

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
TUESDAY, FEBRUARY 22, 2000 AT 6:30 P.M.

The Meeting was called to order at 6:30 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of Feb. 14, 2000, reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

APPLICATION OF LISA M. WARNER DBA "CORNHUSKER SOCIAL HALL" FOR A CLASS I LIQUOR LICENSE AT 2940 CORNHUSKER HIGHWAY - Lisa Warner, 527 W. Jennifer Dr., took oath: Are there any questions? Thank you.

Steve Mann, 1401 D St., Apt. 10: (inaudible)

This matter was taken under advisement.

MANAGER APPLICATION OF RONALD L. KIGER JR FOR KUM & GO, L.C. DBA "KUM & GO #342" AT 4335 NORTH 70TH STREET;

MANAGER APPLICATION OF RONALD L. KIGER JR FOR KUM & GO, L.C., DBA "KUM & GO #342" AT 2243 NORTH COTNER BLVD. - Ron L. Kiger, 5113 Nicholas, Omaha, took oath:

Cindy Johnson, Council Member: Have you signed up for the mandatory management class?

Mr. Kiger: Yes. I spoke with him today and they're sending me out the paperwork. So ... Also, the people that are overseeing the day to day operations are going to be taking the class also.

Ms. Johnson: Good. I'm glad to hear that.

This matter was taken under advisement.

MANAGER APPLICATION OF JACOB ARTHUR NORTH FOR OUTBACK STEAKHOUSE FL, INC DBA "OUTBACK STEAKHOUSE" AT 633 NORTH 48TH STREET - Jacob A. North, 310 Skyway Rd., took oath: Any questions for me?

Jeff Fortenberry, Council Member: I'm not familiar with the acronym M.I.P.

Russ Fosler, Lincoln Police Dept.: Minor in possession.

Mr. Fortenberry: Thank you.

This matter was taken under advisement.

APPLICATION OF EMPYREAN ALES/LAZLO'S/JABRISCO'S DBA "EMPYREAN ALES" FOR AN ADDITION TO ITS EXISTING CLASS L, C, & K LIQUOR LICENSE OF A STORAGE AREA AT K & Z DISTRIBUTING OF APPROXIMATELY 12' BY 15' IN THE NORTHWEST CORNER OF THE BUILDING AT 6301 NORTH 60TH STREET - Scott Miller, 7041 Woody Creek Lane, took oath: This is just simply a satellite storage location that's really just a temporary location and it is in K & Z Distributing so they had to remove it from their liquor license. We had to put it on our liquor license to make everyone happy. That's all it is. Any questions? Thanks.

This matter was taken under advisement.

RENAMING S. 22ND STREET BETWEEN RIDGELINE DR. & HAZEL SCOTT DR. AS "SHADOW RIDGE RD" - Bob Robeson, 2140 S. Canterbury Lane: Did you want me to do my testimony at this time?

Coleen Seng, Council Member: Uh-huh.

Mr. Robeson: Because of the 5 minute time limit I put my thoughts in writing to save a little of time. My wife and I are the ones who requested this name change. A minority of four City agencies on the

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street name committee voted for denial of this request while a majority of 6 agencies approved it. The minority conclusion was that the Lincoln Land subdivision ordinance states that north south streets should be numbered. The ordinance doesn't state have to be, or required to be, or must be it simply says should be. Perhaps that's why Calumet St. south of South St. isn't named 28th St. This is a true north south street two blocks long. Other true north south streets that are not numbered are Southwood, Starling, Rathbone, Winthrop, Grimsby, Pershing Road, Worthington Ave., Chaney, Chaney Hills Dr., Rosebriar Court, Topaz Court, and Jade to mention only a few I recalled from my City map in few moments that are on the south side of town. South 22nd Street in the Ridge is an orphan street only one block long and is not a true north south street. As you can see from the map and aerial photographs of the documents that they have probably given you it has a huge dogleg to the right on the northeast end. As an example in the Knolls, Andrew Court and Barbara are north south streets and are approximately the same length as R Street with nearly the same type of dogleg to the northeast yet these are not numbered streets. To find another element of 22nd St. going north from our property we must leave from Pine Lake Rd. to one block north of South Street and then that stretch is merely two blocks long. 22nd Street is the main thoroughfare like 27th, 40th, & 56th. Our street is the only one coming from the north that intersects the center of Hazel Scott Elementary School and the southern border of the City. My question is why would 911 or the Police Dept. feel renaming a one block street could cause difficulties in an emergency when six agencies including the Sheriff and the Fire Dept. say it wouldn't pose a problem. From a personal and historical perspective, 30 years ago in Viet Nam I was a Medical Evacuation helicopter pilot. Our units area of operation was 2500 square miles. It encompassed mountains, triple canopy, jungle, (inaudible) and rice paddies. The only tools I had to find my patients were a map and an FM radio. On nearly 1000 missions for over 2500 patients I never lost or couldn't find a patient, so I'm a lot more familiar with emergency situations than most. And, if someone can't find me in the middle of Lincoln in an emergency simply because we desire to change a street from two numbers to a three word name then I don't believe the problem is created by the street name. The last thing I want to know, does, the one agency that gave a denial vote solely because Shadow Ridge Road is too similar to Shadow Pines Dr. and Shadow Pines Court, yet only one word in all these names is the same. But, not far from our property there's a Cheney Dr., Cheney Hills Dr., Cheney Hills, and Old Cheney Road. Now, those names seem a lot more similar to me, yet no one else has felt that it could confuse people in an emergency. So, I respectfully request that the Council approve our recommendation for a street name change.

Jonathan Cook, Council Member: OK, I agree with you regarding the Shadow issue, there was also discussion about the, using the word Ridge. So many streets out there have the word ridge. Is this name in particular important to you or would you consider some other option?

Mr. Robeson: Yes, because the name, the road to the right 'er to the east of our property is Ridge Road and we came up with the name Shadow Ridge Road because it shadows that road. It's down hill from it. And, the other thing is that when you go into a development and like the Ridge or the Knolls or someplace like this, you find that the names are similar and that to Emergency personnel, it would seem to me, it would be much easier to find if you saw a word with the word Ridge in it that's the part of town where you're going to go to find it. And, the other thing is this one block is, like I said, is an orphan street. It's out in the middle of nowhere. It doesn't mean anything. You have to go many miles north before you pick up 22nd Street again. So, our thinking is we would like to be a part of the community that we invest in to get this property (inaudible) for the rest of our lives and we'd kind of like to have the name to shadow the surrounding name rather than be all by yourselves out there on South 22nd St. Nobody's going to find us anyway because you have to all the way around these other streets to get to us.

Mr. Cook: Nobody likes a generic name I guess.

Mr. Robeson: I think we have too many numbers in our lives the way

it is right now.

Mr. Cook: Thank you.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 50.51 ACRES OF PROPERTY GENERALLY LOCATED AT N. 33RD ST. & FOLKWAYS BLVD. (IN CONNECTION W/00R-55, 00R-56, & 00-41);

CHANGE OF ZONE 3200 - APP. OF NORTH 33RD ST. L.L.C. FOR A CHANGE FROM R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS & I-3 EMPLOYMENT CENTER ON PROPERTY GENERALLY LOCATED AT N. 33RD ST. & FOLKWAYS BLVD. (IN CONNECTION W/00R-55, 00R-56, & 00-400;

USE PERMIT NO. 123 - APP. OF NORTH 33RD STREET L.L.C. TO DEVELOP 136, 000 SQ. FT. OF RETAIL SPACE, 204,000 SQ. FT. OF OFFICE SPACE, AND 751,000 SQ. FT. OF INDUSTRIAL/WAREHOUSE SPACE, ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET & FOLKWAYS BLVD. (IN CONNECTION W/00-40, 00-41, & 00R-56);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF LANDMARK CORPORATE CENTER FOR 40 COMMERCIAL/INDUSTRIAL LOTS AND THREE OUTLOTS WITH ASSOCIATED WAIVERS ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND FOLKWAYS BLVD. (IN CONNECTION W/00-40, 00-41, & 00R-56) - Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350: Good evening. My name is Kent Seacrest representing North 33rd L.L.C. and the North 33rd coalition of property owners ranging from Northern Heights Partners, Ridge Development Co., Lincoln Public Schools. Knox Assoc. L.L.C., Superior Pointe Partners, Dennis Schroer, and North 33rd L.L.C. We have been working as a group trying to master plan this area of north Lincoln. It is north of Superior Street and east of North 27th. This is where one of the new proposed high school sites will be under construction, as well, and we have, this is one of those famous employment center sites that was put in the Comprehensive Plan a long ago. And it's also one of those first subarea plans and for those of you that were around at that time this was the one the Planning Commission and the Council took the notes off of. That was quite a controversy back then. What we have in front of you, basically, is four different land use matters and annexation, change of zone, to I-1 and B-2 as well as preliminary plat and the fourth item is the use permit for the area. Basically, eight months ago two thirds of this site was brought in front of you and you approved it. And, subsequently North 33rd L.L.C. has acquired the bottom one third of this site and so we're bringing that piece of the equation in front of you tonight as well. The change of zone, basically, is the south one third, if it's on the west side of 33rd, we're zoning it I-3 and if it's on the east side we're zoning it B-2. The use permit covers the entire north and south tracts and the applicant has agreed to many use restrictions to help reduce the traffic in the area. We've agreed at key intersections not to put banks, drive-thrus, and convenience stores. Also, with me tonight is several members of the Olsson Assoc. design team, so if you have any specific questions for them they'll be able to answer your questions as well. Probably, the key document that's going to be in front of you it's introduced tonight, but the public hearing will be next week, is the infamous North 33rd infrastructure agreement itself which actually builds the proposed North 33rd Street from Superior Street north and then it curves around the new high school and ends up going west connecting into North 27nd Street. We're very pleased about this and I want to just indicate to you that it took over two years to work on this significant agreement to get this all figured out. If you go back there once was notes on the comprehensive plan in this area to protect the flood plains and the wetlands and several other important considerations and even though the Council took those notes off we decided to comply informally with all those notes and that added to the equation. The bottom line is this map that was up shows you some key wetland areas. Lots of key wetlands and what we decided to do, obviously, was to go forward and protect those the best we could and we have done that. We've secured all the necessary flood plain fill permits on the site. We've got the 404 permits and what is exciting is the green areas, which are considerable, we are putting a conservation easement on those areas and we're in negotiation with the NRD to hopefully have them enjoy those areas for the public in the future. What is probably the most

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interesting part of this was that over two years it took to work out a route for 33rd Street to avoid all those wetlands and you'd think it's simple, but it actually was very difficult because we had all types of wetlands in there. And, it took a cast of thousands, literally. I want to thank Nicole and Jennifer, and several other people from the Planning Dept., the NRD, the Public Works officials, Roger Figard. We had State water officials, Army Corp of Engineers, LPS, Fish and Wildlife, all trying to figure out that appropriate route and how to handle the flood plain problems in this area and we have come to, I think, a successful recommendation where Staff is supporting this and the Planning Commission supported the whole package and, I believe unanimously, and we ask your support tonight. With that I'd be glad to answer any questions that you might have.

Ms. Seng: I'll start the questions since I got into a lot of mud yesterday morning trying to drive where I wasn't suppose to drive I think, but when does 33rd, will that be the first piece in or will it come in in sections, or?

Mr. Seacrest: I'm going to ask Roger to talk about the timing because that's his responsibility.

Roger Figard, Public Works Dept.: As soon as the Council, if you would chose to approve that annexation agreement, we'll be bringing forward the Paving District for your approval. Most of the design is done, it will be a matter of just finishing up the paperwork and try to bid that and get started with construction t his summer. So, our intention would be to build the whole thing in one piece. Get it done. Get out of the area and then allow the businesses and the development to go in with the roads in place.

Ms. Seng: You're really saying that that'll happen before the development then, or at the same time.

Mr. Seacrest: Right. While we're building our internal roads and water lines and sewer he's building the big public street and we hope to be able to, also, get some construction under way so the road networks completed before we have our first building.

Danny Walker, 427 E St.: Sounds like a tremendous development, however, I would like to know how much fill is going to go in the entire area. Consider each and every development that's on this proposal.

Ms. Seng: We'll see if somebody can answer.

Mr. Walker: OK, well by now they should be able to, Coleen.

Ms. Seng: Kent, can you answer in regard to the fill?

Mr. Seacrest: First of all this is one of those stretches of Salt Creek that the Army Corp of Engineers has studied and there study indicated that they did not put any limitations on fill. Second of all, the subdivision ordinance requires us then to fill the buildings pads as well as the parking lots and our roads in order to preserve the flood plains capacity as best we could. The applications in front of you only show us filling the pad sites. So, all the parking, open space, road networks that we're building will be below that mark and so we've protected the flood plain capacity. I don't know if our engineers got the actual cubic yards or not.

Jennifer Dam, Planning Dept.: We do have a number for you and it's on page 15 of your fact sheet, .30. There's 380,000 cubic yards of fill that will be imported for the Landmark Business Park, preliminary plat.

This matter was taken under advisement.

CHANGE OF ZONE 3231 - APP. OF REGAL BUILDING SYSTEMS, INC. FOR A CHANGE FROM R-3 TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 24TH & DODGE STS. (IN CONNECTION W/00R-51, 00R-52, 00R-53);

SPECIAL PERMIT 1781 - APPLICATION OF GERALD MADDOX TO DEVELOP NORTHVIEW 1ST COMMUNITY UNIT PLAN CONSISTING OF 122 ATTACHED SINGLE FAMILY DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT NORTH 24TH & DODGE STREETS. (IN CONNECTION W/00-42, 00R-51, 00R-52, 00R-53);

SPECIAL PERMIT 1820 - APPLICATION OF REGAL BUILDING SYSTEMS TO DEVELOP 128 ELDERLY DWELLING UNITS, A 60 PERSON DOMICILIARY CARE FACILITY, WITH A WAIVER OF THE HEIGHT LIMIT FROM 35 FEET TO 43 FEET, ON PROPERTY GENERALLY LOCATED AT NORTH 24TH AND DODGE STREETS. (IN CONNECTION W/00-42/ 00R-50,

00R-52, 00R-51);

SPECIAL PERMIT 1821 - APPLICATION OF REGAL BUILDING SYSTEMS TO CONSTRUCT AN EARLY CHILDHOOD CARE FACILITY FOR 188 CHILDREN ON PROPERTY GENERALLY LOCATED AT NORTH 24TH AND DODGE STREETS. (IN CONNECTION W/00-42, 00R-50, 00R-51, 00R-53);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF NORTHVIEW 1ST ADDITION AND TO WAIVE THE DESIGN STANDARDS TO ALLOW NON-PERPENDICULAR LOT LINES ON PROPERTY GENERALLY LOCATED AT NORTH 24TH AND DODGE STREETS. (IN CONNECTION W/00-42, 00R-50, 00R-51, 00R-52); Mike Rierden, 645 M St., Suite 200: Appearing on behalf of Regal Building Systems Inc. I'd just like to touch on each one of the items that Paul has related to you just very briefly a couple of insights. First of all, this is a very difficult piece of ground to work with, that if I could use the viewer here. This property, as you all know, is bounded on the east side. Apparently, substantial, high density, commercial, industrial types of uses that on the north commercial and industrial uses, the same on the south. So, it was difficult to determine what types of uses could be compatible with this particular property. It's currently owned by Lincoln Federal Savings Bank of Nebraska. Fortunately, Regal came forward and brought forth a unified plan which I think is a good one for the single family homes, the elderly dom-care facility, and the daycare facility. As far as the housing, preliminary plat, community unit plan, we've agreed to all conditions set forth in the Staff recommendation. We've obtained the approval. There's only really one neighborhood association that is affected and that's to the west, southwest of the project and that's Landon's Addition and you should have in your packet a letter stating their support. They are very interested in having the connection from Dodge Street to Old Dairy Road as we are and we've agreed to install that road at the outset. The housing is for 122 single family lots. One of the things that we offered to do is to bring the bike path down on the east side of the development that would hook up from Superior Street to the housing situation, er housing development and we feel that that is not only a benefit to our development, but also to the neighborhood itself because it provides a vehicular, not a vehicular, a pedestrian, and bicycle access from Superior over to 27th Street and Old Dairy Rd. As far as the Special Permit for the dom-care and the elderly it's for 61 person dom-care facility and 128 elderly. We've asked for a waiver of the height limitations from the 35 feet to 43 feet. As Staff points out to you in their report this is similar to other requests which you have approved and one of the rationales we believe that speaks to this particular request is that there is no obtrusive, there wouldn't be obtrusive to anything that is abutting to it because it abuts commercial industrial at the current time and on the south there is nothing there. It will be the housing so they're going to know in advance that there will be these, the height of these buildings will be in this particular development. The original staff report indicated that there was some concerns by the Fire Dept. and Building & Safety. We'll work those concerns out. We've provided good fire access on the east side of the elderly housing building by extending and widening the bike path to support and have easy operation of fire vehicles. So, it satisfied that concern and we've satisfied the drainage concerns of the Building & Safety Dept. As far as the daycare we're asking for an increase usually, this type of facility off of the arterial would allow 30 children, we're asking for 118. There's some comments in Staff report about the traffic concerns. We believe that when we construct that street all the way through it will alleviate a lot of traffic concerns and will certainly help out. It'll provide access from Superior to 27th Street by means of Old Dairy Rd. and we also have more than adequate parking for the facility. The daycare fits. We believe this particular location and this amount of children, the City has long encouraged daycare facilities by elementary and other types of schools and this, of course, is just right by Campbell Elementary. It's close to arterials, and it's also close, of course, to an employment center out there. So, we believe the daycare fits and we think this whole development is unified and works real well with the elderly, the dom-care, and then the housing to the south. The marketing for the housing will be for, generally for empty nesters and

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then the fourth element of this proposal is the daycare and we feel it fits the neighborhood. Again, Planning Staff has recommended conditional approval. Planning Commission gave it's unanimous recommendation of approval and we have the neighborhood approval and we'd ask for your approval. I'd answer any questions you might have.

Annette McRoy, Council Person: When will street construction start after ...?

Mr. Rierden: As soon as we can get underway as far as construction. It's my understanding that we probably will not be able, the City won't let us go out until sometime in April when the weather conditions, but as you can see in the conditions we can't have a final plat until such time as the street itself is constructed.

Ms. McRoy: Sometime this spring then?

Mr. Rierden: Yup.

Mr. Fortenberry: Mike, just a quick question. Well, perhaps my comments are better directed to Planning.

Mr. Rierden: Ok, thank you.

Mr. Fortenberry: Steve, explain the traffic flow that potentially would happen from the businesses located along 27th back through the proposed development and into the neighborhood. You have a hotel there, I believe. Is that a likely scenario?

Steve Henrichsen, Planning Dept.: In both of the areas in connection with Dodge Street, 24th will connect with Superior to the north, Dodge Street then connects with 27th Street to the east and there is circulation between the motel area and the office that is to the north of this project. So, potentially, yes, if you were in one of the commercial businesses you could try to exit out through the neighborhood, but since both those commercial areas have access of their own to 27th and Superior I don't necessarily see the reason for that.

Mr. Fortenberry: If you did exit the development of north 24th Street is there a median break on Superior there. I don't believe there is. Is there?

Mr. Henrichsen: I'm not, Mike Rierden is saying that there is. I believe my understanding is that there is, that's my memory of it.

City Clerk: You still want to ask for your request, Mike, on Item 10? Yeah if you would.

Mr. Rierden: I had a request of Paul to combine 2nd and 3rd Reading and the rationale being that, of course, there's no opposition to this & we would, every item on the agenda is a resolution which you'd be voting upon tonight anyway with the exception of the change of zone. So, we'd ask, and also I guess the third factor is we'd like to have, even if it's an additional week, we'd like to try to get moving on this project.

Mr. Fortenberry: You realize that those of us who frequent Sonic with the family they're going to be driving through your new neighborhood.

Mr. Rierden: I understand that.

Ms. Seng: Does anyone want to make a motion for ..

City Clerk: Third reading tonight for Item 10 and then we can vote on the resolutions also.

Jerry Shoecraft, Council Member: So moved.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

CHANGE OF ZONE 3233 - APP. OF HAMPTON DEVELOPMENT SERVICES FOR A CHANGE FROM R-3 TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 23RD ST. & FLETCHER AVE. (IN CONNECTION W/00R-54);

SPECIAL PERMIT 1828 - APPLICATION OF HAMPTON DEVELOPMENT SERVICES TO DEVELOP AN ELDERLY CARE FACILITY WITH 140 DWELLING UNITS, AN ASSISTED LIVING FACILITY FOR 205 PERSONS, AND A CHILD CARE FACILITY FOR 120 CHILDREN, ALONG WITH A WAIVER OF DESIGN STANDARDS TO INCREASE THE HEIGHT LIMIT FROM 35 FEET TO 50 FEET AND A REDUCTION OF THE FRONT YARD SETBACKS. (IN CONNECTION W/00-43) - Robert Dean, Engineering Design Consultants., 630 N. Cotner Blvd, Ste. 105: I'm here on behalf of Hampton Development Services. Over the past several weeks we've been working with the Planning Dept. to work through and resolve any design issues regarding this particular project &

consequently we are in full agreement with the Staff comments as presented. And, from a demographic standpoint we feel that this is a very good location for a retirement center and believe it will be an asset to the community. And, I don't have any other comments at this time, but I'm here to answer any questions that you may have.

This matter was taken under advisement.

CHANGE OF ZONE 3221 - APP. OF THE CITY FOR A CHANGE FROM P PUBLIC TO I-1 INDUSTRIAL & FROM I-1 INDUSTRIAL TO P PUBLIC ON PROPERTY GENERALLY LOCATED AT N. 6TH & CHARLESTON STS. (IN CONNECTION W/00-45, 00-46, 00R-57, 00R-58, 00R-59, 00R-60, 00R-61);

APPROVING A BALLPARK FACILITIES LEASE AGRMT. BETWEEN THE CITY & THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA & NEBCO, INC. AS TENANTS FOR CITY OWNED PROPERTY IN THE LINCOLN BALLPARK ADD. FOR A PERIOD OF 35 YEARS WITH AN OPTION TO EXTEND THE LEASE FOR 7 ADDITIONAL TERMS OF 5 YEARS EACH. (IN CONNECTION W/00-44, 00-46, 00R-57, 00R-58, 00R-59, 00R-60, 00R-61) ;

APPROVING THE TRANSFER OF APPROPRIATIONS RELATED TO THE LINCOLN BALLPARK PROJ. IN THE AMOUNT OF \$871,585 FROM RELOCATION OF ENGINEERING SERVICES TO CITY TOW-IN LOT (\$200,000) AND 901/1001 STORM SEWER (\$671,585); CHANGING FUNDING DESCRIPTIONS TO ELIMINATE REVENUE BONDS AS A FUNDING SOURCE; & TRANSFERRING \$270,000 IN APPROPRIATIONS FROM PROJECT CONTINGENCY TO ADDITIONAL ROAD & ACCESS NEEDS. (IN CONNECTION W/00-44, 00-45, 00R-57, 00R-58, 00R-59, 00R-60, 00R-61);

COMP. PLAN AMENDMENT 94-46 - AMENDING THE LAND USE PLAN TO CHANGE LAND USE FROM PARKS & OPEN SPACE INDUSTRIAL TO PUBLIC AND SEMI-PUBLIC AND AMENDING ASSOCIATED TEXT ON PROPERTY GENERALLY LOCATED AT NORTH 6TH AND CHARLESTON STREETS. (IN CONNECTION W/00-44, 00-45, 00-46, 00R-58, 00R-59, 00R-60, 00R-61);

SPECIAL PERMIT 1822 - APPLICATION OF NEBCO, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AT THE LINCOLN BALLPARK GENERALLY LOCATED SOUTH OF CHARLESTON STREET, WEST OF NORTH 6TH STREET. (IN CONNECTION W/00-44, 00-45, 00-46, 00R-59, 00R-60, 00R-61);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF LINCOLN BALLPARK WITH WAIVERS OF THE SUBDIVISION REQUIREMENT FOR SIDEWALKS, STREET TREES, ON-SITE STORMWATER DETENTION, AND A 2% APPROACH GRADE AT THE SALT CREEK BRIDGE ON PROPERTY GENERALLY LOCATED SOUTH OF CHARLESTON STREET, WEST OF NORTH 6TH STREET. (IN CONNECTION W/00-44, 00-44, 00-45, 00-46, 00R-57, 00R-58, 00R-60, 00R-61);

APPROVING AMENDMENTS TO THE BALLPARK INTERLOCAL AGREEMENT AND MEMORANDUM OF AGREEMENT BETWEEN THE CITY, BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, THE LINCOLN-LANCASTER COUNTY RAILROAD TRANSPORTATION DISTRICT AND NEBCO, INC. TO CORRELATE WITH THE BALLPARK LEASE AND CONSTRUCTION AGREEMENTS BY MOVING A REFERENCE TO PARKING, CHANGE A REFERENCE TO ADMINISTRATIVE AGREEMENTS, AND DELETING A REFERENCE TO THE COROLLARY SITE. (IN CONNECTION W/00-44, 00-45, 00-46, 00R-57, 00R-58, 00R-59, 00R-61);

APPROVING A CONSTRUCTION AGREEMENT AUTHORIZED BY THE BALLPARK INTERLOCAL AGREEMENT FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AND NEBCO, INC. TO PAY FOR AND CONSTRUCT BALLPARK FACILITIES AND FOR THE CITY TO PAY FOR AND CONSTRUCT RELATED PUBLIC WORKS FACILITIES FOR THE LINCOLN BALLPARK PROJECT. (IN CONNECTION W/00-44, 00-45, 00-46, 00R-57, 00R-58, 00R-59, 00R-60) - Ann Harrell, Aide to Mayor Wesely: I want to thank you for your time this evening. The partners in this project have worked very hard to accomplish a great deal on this project and are proud to share it with you this evening. We do have a brief presentation. It may take slightly more than 5 minutes, but we will try to keep it tight. Before we get started I would like to introduce representatives of our two partners in this project from the University of Nebraska and NEBCO, Inc.

Charlie Meyer, NEBCO, Inc., 1815 Y Street: As Ann alluded to there's been quite a bit of work since we started this process back in July of last year. There was a lot of agreements here that you're having to look at tonight. Obviously, our vision with this whole project is that we create affordable family entertainment value with the minor league baseball that we'll bring here in 2001 creating a park within a park. And, also the fact that we created a partnership between the University of Nebraska, the City of Lincoln and NEBCO. I think, as I've alluded to

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before, it's the public public private partnership ever in Lincoln and from our standpoint we're excited to get going forward on this, to get construction started, and to have a place for our ball team to play here in June of 2000. Any questions? Joe wants to make some comments about this.

Joe Selig, no address given: (inaudible) the UNL coaches will be around later to speak to reaffirming our commitment to this project.

Joel Pedersen, Assistant City Attorney: I've been working on the Phase II legal agreements that you see before you tonight. The construction agreement, the lease agreement, and the amendments to the interlocal agreements or the primary legal agreements that you've got before you tonight. We did give a presentation earlier on the design and got you an update with the latest colored pictures and renderings so we are very excited about moving forward with the project and have put a lot of work and effort together to get it to this point. If there's any questions on the legal agreement or otherwise I'll turn it over to Pat to give you the rundown and show you the pictures.

Patrick Failon, no address given: Principal with the DLR Group representing the design team on the Lincoln baseball project. Just to start with a quick overview of the project itself. Really, three major components associated with the ballpark project. The first obviously being the baseball stadium which you see located here. Second, being the softball complex which would be primarily for use by the University of Nebraska softball team which would be located right here. The third component then would be the existing public works facility that are existing on the south end of the site located in this area here. Also, some associated projects that make up the rest of the project then would be the parking lot approximately 2000 parking stalls located in and around the softball and baseball stadiums. The Charleston Street bridge which would be relocated in this location on access with what is now called Ballpark Drive. The Haymarket connector which it would be a future project located in this location here would connect down into the Haymarket area and the last component would be the practice field which is located on the north end of the site here. We are currently working on some options in terms of orientation of that complex relative to the overall design in that portion of the site. As Charlie mentioned, the primary design concept for the facility has been to create a park within a park. The image that you see here would be looking from the cul-de-sac off the main entrance of Ballpark Drive. Looking at the main entrance of to the baseball stadium here. Softball complex entrance being over from this end here and then in between the two complexes the promenade space which would be a public gathering space and kind of, as I said, a park within a park, kind of a concept there. This is an image looking from the north into the softball complex. Again, behind the softball facility you can then see the promenade and beyond that the baseball grandstand. Off to the side here would be the UNL softball clubhouse, the UNL baseball clubhouse, and then beyond the grandstand where Charlie's pointing there would be the minor league clubhouse facilities. You can see again trying to create that park within a park kind of an image. And then finally, this would be a viewing the baseball park from the southeast. The cul-de-sac you see located in the middle there would be the landing point for the Haymarket connector with the entry gateway then into the park located adjacent to that. And, you can see then some of the berm seating areas that would come off, down the outfield and around the outside perimeter of the ballpark stadium. With that I'll open it up to any questions that you might have.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350: Member of the baseball team literally speaking and had been in charge of helping facilitate between the three partners on the public, public, private partnership. Basically, we've got a lot of hard work and brought a lot of different in this effort. You know, this community worked real hard in 1994 to bring baseball and you were probably a partner were so short and this time we, hopefully, have shown ability to bring not only the City but the other two key partners to this equation has made all the difference in the world so that it doesn't become cost prohibitive for



anyone partner along the way. Basically, each partner feels they're hopefully getting their dollar benefit out of this, but literally paying about 33 cents on that dollar of costs towards the project and that's been the tricky part is to have everybody feel comfortable with what everybody's been paying. We also provided the City Council and the community a month of so ago the economic impact study that showed a large economic benefit to the whole community with this project along the way. As Paul painfully read eight different applications into the record we can summarize those by the comprehensive plan amendment in front of you, basically, going from public, and a public open space and industrial, too, what we now call public and semi-public. It changes a series of zones from I-1 and P to a different configuration of I-1 and P and includes the preliminary plat which provides all the infrastructure that we need. It does include some waivers. There's a 2% approach grade so that we can get the bridge, the new bridge to be high enough so we have that two foot minimum what they call free boards so when the 100 year water comes we still go two feet of clearance. As a result the beams you've got to bring the bridge down rather quickly and the standard is 2% we're still way below safety factors on that. Another one is we've asked for waivers of a series of sidewalks. We've got an extensive bike trail network planned as part of this project and so as a result that replaces, in our opinion, some of the needed sidewalks. But, we are asking for a waiver on the east side of Sun Valley Blvd. We've also asked for the westside of North 6th Street, the north side of the Salt Creek Bridge, which by the way I will, we will be bringing a motion to amend we forgot that one in our packet in front of you tonight. We also have waiving the sidewalks on the proposed North 4th Street because it's right parallel to the levy trail that we are building. And, then on the south side of Charleston Street we are asking for a waiver of the sidewalk. Again, a lot of this is because we've got parking lots that the roads entering into our parking lots and by pushing the sidewalk away from where they're entering into our parking lot we avoid a lot of pedestrian auto potential conflicts along the way. We also are asking for a waiver on stormwater detention. This is in the flood plain and as a result it is a situation where normal flood plain management says you shouldn't detain water in the flood plain because when the flood waters come it's going to fill it up. And, the thought is that it's best to get the water out of the sight down the river to make room for when the floods do, waters do show up. This has been done repeatedly throughout the City of Lincoln on projects that are in the flood plain not to require stormwater detention. However, we are minimizing the grading to the site which John is going to talk about in just a moment with you along the way. We also have the special permit for alcoholic beverages within a stadium, but again we are, put a clause in the agreements to say the manager as well as any pourers are going to have to go through the Cities designated alcoholic training courses and classes. We've got the appropriation of funds that's in front of you as well as three legal agreements that Joel has mentioned to you. So, in a nut shell that is the land use package of the eight proposals and I'd be glad to answer questions or wait to hear John's presentation on the flood plain.

John Olsson, Olsson Associates, 1111 Lincoln Mall: As Kent mentioned, we are building this ballpark in the flood plain, that's not a secret. I'm quite certain that several times during my lifetime, if and when this project goes through, I will see water in this parking lot. Through the course of our design we tried to optimize the site as best we can. That included putting the parking lots down into the ground to try to preserve as much flood storage space as possible. Having said that I want to talk to you about the flood plain itself and how that relates to the Salt Creek Basin. Earlier you heard a presentation on the Landmark Business Center. It was indicated that through that stretch of Salt Creek there are no limitations as to how much fill may be placed within the flood plain. That is not the case at this site. The site that we're dealing with here as identified on the Corp of Engineer Study this Salt Creek from O Street up to I-180. And, in this study they recommended that no more than 15% of that area be filled with fill material. At our particular site which is Site A we're bringing in somewhere around 70 acre

feet of soil. That is more than 15% in that particular area, but our idea or one way that we'd like to mitigate this is to go in and place conservation easements on other sites which we currently have ownership to. Site D which is the area surrounding Oak Lake. Site C is where the City now places their snow and is the current site for the impound lot relocation. Site B is the leftover bank of Salt Creek and then we've also could potentially get credit for Site A. So as you look at those four areas if we enact conservation easements saying we will not place fill in those areas then we have in turn met the requirement of the 15% or just, we're trading our storage rights is what we're doing. We're taking more than 15% on Site A and taking zero at the other three sites. So, we feel that we have met the intent of the guidelines of the course study. We've gone beyond the current City of Lincoln requirements and, in fact, I believe we do have our flood plain fill permit in hand at this time. In regard to the floodway itself or the area that is channeled by the two levies, we've looked at the hydraulic impacts in that area as a result of the new bridge that we're putting in. We are putting in a new bridge to gain access to the site right in this area, but with that we're taking out the old railroad bridge that's immediately south of that. In so doing we've actually improved slightly by hydraulic characteristics of Salt Creek in that area and how to achieve the no net rise within the floodway itself. With that I'd be glad to answer any questions.

Jon Camp, Council Member: Yes John, I know previously you brought to our attention this currently meets all City flood requirements. Down the road there may be some changes. Are there any aspects to the baseball stadium project that even under future proposed standards that are negative to the City of Lincoln and to this area?

Mr. Olsson: Well, the first thing that comes to mind would be the new storm water regulations and I don't, in talking with John Cambridge earlier we were basically, we felt comfortable that pretty much it did meet the intent of the new stormwater requirements which are going to come before you later today. Other than that I guess I'm not aware of any other requirements before you at this time. I realize in several months you will have before you a no net rise or no net loss of storage proposal. I don't believe this project I presented would meet that requirement.

Mr. Camp: If it wouldn't meet the requirement and I guess I'm just thinking of the overall scope and the intent of our various regulations and so forth, how far away would it be from a no net rise. Well, that's a very difficult question. No net rise and no net loss of storage are two different issues. I don't know if you want to get into the specifics of all that. I think a no net loss of storage might be a little easier to accomplish. That's simply a mathematical balance of cuts and fills. It would require purchasing additional land area to achieve that. One thing unique about this site is the fact that we have an occasional rubble buried in the ground. We're not allowed to dig holes in this area, so that prevented us from doing some of that. But, it would mean that we'd have to find a place to buy land and would need to be in this same stretch of Salt Creek to meet the general intents of the court study. Could it be done? Yes it could, but I think it would come at some cost. And as with any project you find yourself in a balance of good engineering judgement and economics.

Frank Sidles, Owner & President of Capital Contractors Inc., 1001 N 9th St.: I have handed out to you a diagram, an outline of the baseball facility and you can see where Capital Contractors is located. I have shaded in all the lots that this company owns. There are some even further below the handout that do not show. Capital Contractors has two divisions, one of them is Capital Steel Company which fabricates steel for super structures for bridges throughout the great plains states of country. The other division is Capital Bridge Company which builds bridges throughout Nebraska, Kansas, and various other locations. In the process of our steel fabrication plant we fabricate steel girders that hold up bridges. Some of these run in length of 140'. That would probably be a maximum. We just recently hauled one out of this area that is that length. The last 15 to 18 years when we haul steel girders out we have been going straight down X Street. You can see X Street on your map

there, and we go across an area which is currently owned by the U.P. Railroad. It used to be owned by the Missouri Pacific, but now is the U.P. That is this area that is, got an outline around it. I think you can see that there. It runs onto North 6th Street, it's right here. Can everybody see where that is? Our trucks have been going down there and they have been exiting onto North 6th Street. We turn what would be north, that's right as you move onto North 6th Street and then we would exit across the Charleston Street bridge and make our way to 1st Street and then to various other areas. And, in some instances we would turn left on Sun Valley Blvd. and then the trucks would be headquartered at a particular, the truckers ranch until it was a parking lot, until it, they were delivered because we do have third party conveyors that haul a lot of our material for us. In any event, this company has been located in this area since 1927. Capital Steel since 1951. We've been going out this way, as I say, at least 15 to 18 years or without any, consistently. Our concern is that we have and work with the City in finding and getting ingress and egress over this railroad right-of-way. The railroad owns that. The City is making arrangements to buy that in conjunction with the purchase of the railroad that runs right through the ballpark area. I hasten to say, too, that we have been working and talking with Joel Pedersen in the City Attorney's office. They, have to this date, been very accommodating in working with us. We have nothing finalized as of this point and I felt it was absolutely necessary for us to go on record as to what our concerns are. We have no other way out of this location in this area. We cannot take these size girders down any other street to get out. So it is imperative for us to have some kind of ingress and egress down this road. Additionally, when we are traveling down this road and turn on North 6th Street it is imperative that we have the right sized radius' as we turn from North 6th Street onto Charleston, onto North 4th Street, onto North Ballpark Blvd. and onto Sun Valley Blvd. And, here again, I have met with John Olsson, a representative of Olsson and Assoc. and they have indicated to me after examining the lengths of girders that we haul, the trucks and everything else that they had designed this roadway to meet those needs. As yet, I don't know that this plan is finalized, I just say that is a concern, because when you take a large truck out with a large steel beam that could be as tall as 8 or 9 feet in height and maybe sticking 14 or 15 feet out behind you when you make that turn, if it hits something it's going to, it's going to do damage. So we need the proper radius' to be able to handle that traffic. Additionally, there's been some comment about restricted movement or traffic during particular times that ball games are going on. My only concern here is that when contractors want the material that holds up the bridges so that they can continue their process of building, they're not too enthusiastic about being held up for an hour or two or three because those delays cause delays and what they're doing and could cause them one, two, or three days of delay in proceeding with their project. My concerns are one number, ingress and egress along this street. Two, a permanent easement that we would have for Capital Contractors, it's successors or assigns. The proper radius' as we turn on these streets and unrestricted movement when we have to move these goods. If there's any questions I'd be happy to answer them. I do want to compliment the City and Olsson Associates for their accommodations they have given to us up to this particular time.

Mr. Fortenberry: How often does the, does a load such as you just described take place?

Mr. Sidles: Well, a load of 140' doesn't take place very often and the deliveries are not consistent. We certainly don't do that on a daily basis. Now that we have to finish a job and then we may store the material and wait for the contractor to call and he will say I need that material tomorrow, the next day, or wherever it is depending upon the location, but when we start to deliver we may be four or five days consistently transporting material out of our yard. Then it may wait for a week or two and we go again. Some of it is certainly much smaller. Some of it's 60', 70', 140 is basically the longest. Yes.

Mr. Cook: Has there been discussion on the timing issue that while the game is going on is that likely to be a time that it would interfere

with your deliveries or do you make them at anytime of the day or do they generally occur during ...?

Mr. Sidles: Well we'll deliver, that is there's no right of wrong timing. We may deliver, load some steel girders in the morning, deliver them that afternoon, come back later and load again, and they may take to a central location and then haul the next day. So, it all depends, I mean, the past week we've hauled in the morning, we've loaded in the morning, and taken them out. At times they've come back late in the afternoon and we have loaded up some more trucks which are then taken to a central location and they are delivered the next day. So, it's, I can't tell you that we load at 8:00 in the morning and no more, because we can load at 8:00 in the morning just deliver out here and come back in maybe two or three hours. And, this instance I'm talking about now we're delivering several hundred miles away.

Mr. Camp: Yes, but in talking about the timing and we may need one of the designers of this to come forward, perhaps trouble shooting here and assuming a worst case scenario, I guess I'm trying to understand what that might be. I assume you've had a couple days when you'll be having the material fabricated, but then you get a call. I think this plays onto what Councilman Cook was saying, I think we need to make sure we know down the road what is happening so if there is a baseball game something tells me there could be cars parked incorrectly or something and you get the 140' girder going it could make convertibles rather quickly out of those vehicles.

Mr. Sidles: If a 140' hit that convertible it would pretty well clean out the top.

Mr. Camp: It wouldn't need to be a convertible to start with, it would end up a convertible so, who would be a good person on the design team that might be able to answer questions here right now?

Steve Garvey, Olsson Associates: I've been working with Frank on a number of issues, especially the radius'. If this truck were to exit or if one of these beams were to exit the site during the time we're trying to have traffic come to the ballpark it would be an issue. With a 15' overhang that he has on a girder of 140' it regularly encroaches into the opposing lane of traffic and so as he, as it would turn the corner it would block the lanes of traffic for anyone trying to enter the baseball stadium. So it is an issue. As far as the radius returns we have worked closely with Frank as far as measuring the size of his vehicles and all of our radius returns to the best of our ability. We've modeled them with our traffic software and our radius would then pull back to accommodate the trucks as they go around. Everyone of these intersections, in fact, we met with one of your truck drivers hauling out, I think, it was 135' beam actually stopped when we were in the field taking some measurements and we talked to him at length and he felt comfortable with the design. He had seen some of the plans that we provided to you. So, we've worked really hard to try to accommodate the radius' as far as a restriction to entering the site. I think that's probably still being worked out a little bit, but there would be some impact if a long beam was exiting his business during the time when people are coming to the baseball stadium.

Mr. Sidles: Bud, is this your normal transportation Monday thru Friday, 8:00 to 5:00?

Mr. Sidles: Yes it is Jon. It's uh, we, I shouldn't say 8:00 to 5:00, no, because we could start loading as early as 5:00 in the morning and they could come back and they will leave then as soon as they get loaded and they'll go to a central pooling place and then maybe drive as kind of a team of drivers, but, er team of trucks, but, and they could come back in the afternoon and we could load as late as 6:30. Of course during the summertime when it's lighter longer why we may be inclined to do some of that. Now, most of the time it's basically we try to get it early in the morning and they get back later in the afternoon. We don't like to keep the people late to the evening at all.

Mr. Camp: Bud, I think I hear you talking in terms of the spirit of cooperation and I'm trying to think if there's a way that, let's say there was a baseball game scheduled at 4:00 p.m. on a nice summer afternoon, would it be possible to have it loaded early and out and then maybe the

vehicles come back and start loading, but then the next morning and takes it out. Would that be a big inconvenience to you?

Mr. Sidles: Yes. Number one, I'm in full support of this baseball park and the park within a park. I think it would be a great addition to the City of Lincoln and we would be very willing, I mean we'll go out of our way to help accommodate and do these kinds of things no question about that, but I'm just concerned about that issue and I want to bring it to your attention because it is something that at some point if you're a bridge builder or contractor that is waiting for that it's , it's a little difficult to say well we've got a baseball game going on here and so give us a couple of hours. Now, sure if we're, it's 15 or 30 minutes that's not a problem. I mean we don't, that's not a concern. We try to get our stuff out early so they can get on the road anyway, but uh ... Those are concerns that we've got and I just want to make sure you ...

Scott Opfer, Public Works Dept.: A couple things, we would work with Bud and Capital on the scheduling. Obviously, the baseball schedule will be determined long ahead of time and I think that that can work to Bud's favor also and Capital Steel so that they can schedule around baseball. We definitely would not want beams on these streets conflicting with baseball traffic. The second part I'd like to add to that, Bud mentioned earlier turning the corners and hitting vehicles, more than likely Charleston St., 4th St., Ballpark Circle, 6th St. would all be posted no parking anytime. We would expect baseball traffic to park in the parking lots. So, the maneuvers on the streets, they would be able to take place without conflicting with parked vehicles so I don't know that there would be a huge problem. If Bud needed to move something at 7:30 and the games been going on for hours, that could probably be worked out. There would not be conflicts with on-street parked vehicles. So, I would think we could work together to be able to work out a schedule that would be beneficial to both.

Mr. Cook: How might this affect landscaping? There are trees planted along the roads that might be in the way of these beams.

Mr Opfer: I don't see, I don't see a tree at a corner being a problem because they would be planted far enough back that they would not conflict with those. Right now, Bud makes a maneuver around 6th and Charleston and they miss our stop sign which is right up against the radius so I don't see that being a problem.

Brad Korell, President of the National Bank of Commerce: Good evening members of the City Council. My name is Brad Korell. I'm president of the National Bank of Commerce and appearing here this evening on behalf of the Downtown Lincoln Association. DLA supports the proposed baseball stadium project which is before you this evening. The project, we think, will have a very positive impact on the City of Lincoln, not just downtown, but the entire community. It brings new jobs, it brings new revenues, and an additional tax base that will help our City. It also brings entertainment options we don't have today. From the viewpoint of the Downtown Lincoln Association we think the projects design supports well and integrates well with the UNL main campus and also with the Haymarket area. We would like to commend the efforts of the partners to develop the foot bridge to the Haymarket district. We think that's very important and would like to ultimately see that happen and at the same time we commend Congressman Bereuter in his work in the funding of that and we would like to see that completed sooner rather than later. Finally, on a personal note I've had the opportunity to visit with Mr. Abel about the project. The, in the design it's apparent to me that he has looked after the interest of people with disabilities, families with children, the design accommodates people of all ages and backgrounds and we think that the field itself and the inside of the park integrates well with outside activities as the concept of the park within the park is put forward. When you visit with Jim very quickly you can begin to share his enthusiasm. It's apparent that he wants this to be family oriented. That he wants it affordable. And, above all when you talk to Jim you understand that he wants it to be fun and it's my opinion that Jim is not only doing this right, but he's doing it for the right reasons. And we on behalf of the DLA support the project.

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Scott Miller, President of Lincoln Haymarket Development Corp. & Vice Chair of Downtown Lincoln Assn: I want to provide you a formal position statement from the Historic Haymarket and that is the Haymarket fully supports, the Haymarket Development Corp. fully supports the baseball complex as it is being presented today. Most of, in interest of time, I'll just echo a lot of what Brad said because my position statement is almost identical to his. However, one thing I do want to emphasize even more the pedestrian bridge which we have a very strong opinion and concern on and we want that to be a high priority and we're really, again, thankful for Congressman Bereuter for bringing that to the attention of the City. It's not one of the very highest priority the City has been quoted as saying, but it's very high to the Haymarket and we really want to see that proceed along because as you know we have a parking crunch. I'm going to just hand out this rather than read it and I'll just end on giving my annual bi-annual pitch on Haymarket parking. Included with the position statement is a summary of the Haymarket parking as it relates to the restaurants and we think the baseball complex will be a great addition to the neighborhood and the Haymarket will be a great place for people to go before and after the baseball and soft, baseball games and so we just like to see that get tied into the neighborhood with the pedestrian bridge and if there's any questions I will try to answer them.

Mr. Camp: Scott, on your position statement here could you describe how you feel the pedestrian or the crossing would best benefit Haymarket and the Downtown?

Mr. Miller: Well, the best way to, in looking at the plans and trying to get a good feel for how far away the baseball field is depending on where you count, the beginning of the Haymarket is anywhere from six to even ten blocks and so therefore to have the appropriate length there to the Haymarket, I think, would maximize having it in the area, otherwise people, you know, ten or twelve blocks is quite a ways to walk and that's why the appeal with the trolley concept which Congressman Bereuter has raised is something that really appeals to the everyone in the Haymarket. Vehicular traffic apparently won't work due to engineering studies that show it just overloading the Haymarket with traffic. But, the some way to close, connect the Haymarket and the baseball complex is something that is really on everyone's mind in the Haymarket and everyone's real excited about that. I don't know if that answered your question, but mainly the distance is not, when you really look at it and walk, get out there and take a look at it, it's a ways away and so we'd just love to see that get drawn closer together with a bridge.

Dave Van Horn, Head Baseball Coach, UNL: Obviously, I'm up here big time in favor of this ballpark. This is a tremendous opportunity for our baseball program and the University. It's already with the drawings that we've been able to present and show possible recruits and their parents it's been tremendous the feedback. And, we had an outstanding recruiting class in the November early signing period and a lot of this was due to the fact of the new ballpark and talk of the new ballpark. On, as far as the City and some of the travel plans I think people would make to come here for this ballpark and make a weekend adventure to come watch a Big XII series. I think we have many people from the Midwest and all over Nebraska come in and buy tickets and come to games, stay in hotels, and eat in our restaurants. There's currently a College World Series small, I guess you'd call 17, 18 year olds, some 16 year old kid that play in a tournament during the College World Series and they have called me just recently and we worked it out where they're going to change that tournament to Lincoln this year and so what I would do is when this ball park, hopefully, becomes a reality they'll still bring their 14, 15 teams and these are the best All Star type teams of college recruitable kids from all over the country and Canada, Dallas area, Cincinnati these are the teams that the Barry Larkins have played for and Griffey's and those types of teams that are made up ... They're coming to Lincoln this summer and we've worked it out where they're going to use our ballpark, a few other fields around town and they're wanting to do this and I'm wanting them to do this, number one it will help my recruiting getting kids here in town. It will save us a lot of time and, hopefully, some money. But,

just to get them to see our new ballpark and roll that over to the year of 2001 and right now that's a reality. So, we're just up here to support it and the field we play on now is nice, but it's not nearly as nice as the one we're looking forward to having. Thank you.

Rhonda Revelle, Nebraska Softball: We've talking a lot tonight about the concept of a park within a park. Well I'm going to put a little different twist to it, a park within a park within a park because we are the other park and, you know, with this being the 25th year at Nebraska celebrating women's athletics that the community that supports women's athletics has been very excited about this project, also, because to not only form a partnership, public public private, but also to form a partnership with baseball and have young women and young girls to be able to not only partake in baseball, but also see softball at a high level in a first rate facility just like they would baseball. We're all, we're excited about that and bringing that to the environment and the community and I couldn't echo Dave's sentiments more about what it's doing for recruiting and what it's doing across the country. I mean the whole country knows that Nebraska's putting together not only the softball stadium, but that they're forming this marriage with the City and with private and also with baseball and it's a real exciting concept nationwide. Thank you.

Stan Maly, 6700 Pine Crest Dr.: Lincoln Babe Ruth Baseball. I was here the first go around and it's kind of nice to be here in prime time.

Mr. Camp: Happy anniversary.

Mr. Maly: Yeah, thank you. We've been in youth baseball for about 20 years, age of kids 9 to 15. We've been real active in improving facilities and we think everything about this project is right. Location, the style and the new entry to the City, it's just going to improve everything so we're here to voice our support. Thank you.

John Stockstill, 4028 S. 83rd: I'm president of a Lincoln Baseball Association. This group of parents, coaches, baseball fanatics facilitate American Legion baseball within the City. Currently what we do is we help as a liaison, if you will, the American Legion, City Parks & Recreation, as well as the American Legion teams at local high schools. We assist in taking care of the ballparks especially Sherman Field and the assisting in tournament play. Simply it's from our hearts that we help not only for our own children who might be involved in baseball, but for those coming up. We, and I'm speaking for the organization, strongly endorse the creation of this ballpark not only as a site for college and minor league baseball, but also as a facility to demonstrate that there is something, let's say, beyond the grade school, high school level in baseball and it acts as a strong magnet for baseball within the state of Nebraska and it highlights the City of Lincoln as a real center, if you will, for athletics, but baseball in particular. And, then as a family facility it acts as a magnet, a strong magnet. It assists us in holding State tournaments or District tournaments. It's just a nice place to come visit. But, can't think of a better place to hold a State tournament, come play ball from all over the State of Nebraska and while you're here visit the City, catch a minor league ball game or catch the Huskers playing a three game set with Texas or whatever. It makes it nice. So, I'm here to strongly endorse the plans of this City and NEBCO in creation of this ballpark. Thanks a lot for the opportunity.

Rich Wiese, 730 Pier 3: On this side of Capital Beach. I'm here tonight, though, to speak in behalf and represent West O Area Business Association and we have passed out maps of the area before, but I hope this will come through. I don't know how to operate this so just bear with it. You can see on this screen what the area is. West O is to your left there so you go down O Street on both sides. We represent the business people there. (inaudible) it goes all the way on up to the Harris Viaduct, north along the railroad tracks, over to Charleston St., out Charleston St. to approximately 1st and then it comes on back down the Sun Valley Blvd., catches West Gate Park for business and industry and back on up to P St. That is the general area that we're talking about here as far as the West O Area Business Association is concerned. We highly support the ballpark for many reasons. As many of you know from

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past West O area has been a slow growing area. There has been deleted buildings out in that area. Within the last five years, particularly since the road has been widened, thanks to you people and the State for that, it has been a big improvement. But, the whole area is increasing with growth particularly West Gate Park area down there. The Firefighters Association that just built a new building down in the area, Latch's from downtown has just relocated out into that area, American Red Cross within the last three years has come into that area, Benchmark BioLab had come down into that area there, high tech signs and research company doing business down into the area plus all the other older places down there that have been in existence who are now increasing the looks of their buildings. Lincoln Steel just a few years ago did a major change to their building. That was very welcome. The little hamburger stand and tavern on Sun Valley Blvd. & P St. has just done a major repair to that place of business. As you know Speedway Auto is interested or has announced that they're coming down into the area with the Carol Wright building and the other big building that has been sitting empty for some time. So, we're really proud and to get the ballpark down there is going to be nothing but an asset for the people in west area, the business people in that area. So, if you have any questions I'd be very glad to answer them, but we fully support the issue. We do not want to get into any of the decision making how it all goes about, but we just welcome it.

I'll leave this just in case you folks want it, I'll give it to Paul.

John Baylor, no address given: I certainly risk repetition by arriving so late, but I think there's a few things I want to say at the very end that might be new for you. First of all I come here in support of the project and there are a lot of great reasons for it. One I love the idea of taking a current eyesore right there at the gateway of our City and turn it into a beautiful sports spectacle across the way from Memorial Stadium. As appealing as the salt dome is I feel that a baseball stadium will attract more people to that area. I love the area of vitalizing further the Downtown and Haymarket are with a project like this. It's something many other cities have done, Akron, Dayton, Ohio, Oklahoma City are just three of them. In each of those instances, parenthetically, the City picked up 100% of the cost. When I mentioned those cities, each of those cities used a baseball stadium as a corner of a downtown vitalization project and in each of those instances those cities picked up 100% of the cost. Economic benefit to the downtown area and to the City helps raise the profile of Lincoln Nebraska and helps sell the CEO's of Micron and other companies to the benefits of our city as they look for a place to relocate or to open up a satellite office. I love the idea of affordable family entertainment during the summer months. And, three final issues; the first to repeat what the gentleman two before me had to say and that has to do with youth baseball. When I was playing youth baseball I didn't see a raised mound until I was in high school. There are two kinds of fields, there's a soft ball field which is completely flat and there's a baseball field which has a raised mound on it. I grew up in the city about 180,000 people. I loved playing baseball. I never saw a baseball field until I got to high school. There's a reason why Omaha kids excel at this sport, they have terrific facilities compared to Lincoln. There's a reason why in the last All State Team according to our own Lincoln Journal Star there was one Lincoln kid and everyone else from Omaha. Now, there's a reason why we've had one state champion from the spring season and one from the summer season from this City since Lincoln Southeast was open. We need better baseball facilities for our youth and we have so many more kids playing it than we used to. We have 27 select teams. Those are kids 9 to 14 who don't see mounded fields unless they go play out at Air Park. The other Lincoln fields they play on when they can get to them are softball fields and then the American Legion teams are 10 or 11 of them, they play the majority of their games out of the city because there's only two fields for them and they get worn down real quickly as well. The two other things that matter a lot to me are neighborhood rights and cost and I just wanted to bring up those quickly. First with regard to the neighborhood. There's some in the neighborhood who feel that they're going to have to make some



sacrifices with this field across a separated double highway, double lane Interstate across from them. And, I'd love to see the City try to accelerate some services, bring them forward for this neighborhood so they recognize that, at least in this instance, they're being listened to. Either there's an impression, at least historically, this neighborhood has not been listened to the extent they'd like and I'd love to see, if we go forward with this, if this neighborhood would get an opportunity to perhaps to see new curbing, the enforcing of laws on football Saturdays. Perhaps no parking unless you have a parking permit which would belong only to tenants and owners of homes in that neighborhood. And, lastly regarding cost. We can't do anything, everything we want. We have to also look at what it costs and many cities have built baseball stadiums. Not just for prof, typically just for professional teams not typically for, to help a University team stay in a preferred area and bring a professional team and bring youth baseball. These cities typically pay 100% of the cost and a laundry list of these include Sioux City, Schomberg Illinois, Dayton, Oklahoma City, and Akron. I applaud the City for ensuring that there are other shoulders bearing this cost burden, assuring there is a private company bearing the cost, ensuring the University is involved and ensuring that they maintain it. The City is not getting into the baseball business. The City is getting into the ownership of a beautiful asset at 50 cents on the dollar maybe a little bit less as just a one third partner in the cost of it, the expense of it, but in a sole 100% owner of the asset itself ultimately. And, so for those reasons I lend my support.

TOOK BREAK 8:10 P.M.

RECONVENED 8:29 P.M.

Melvin Burbach, no address given: I'm Melvin Burbach from the North Bottoms Neighborhood Association. We are opposed to the baseball project at the current site. We are not opposed and never have been opposed to baseball as a concept. However, we know that we're swimming upstream in our opposition so I'm actually just going to give a few brief comments and give a couple of requests that we have. We have some amendments we'd like to get worked into the agreement. As far as my comments, I'd like to kind of echo what John Baylor spoke about. He mentioned that there was an historical belief in the neighborhood that the neighborhood really has kind of gotten the shaft from the City. I'm sorry to report that that's not dusty old history, but it still exists. We found out about the baseball project the same way that everyone else in Lincoln did. We read about it in the newspaper, actually not everyone did, most people had a jump start on us. That's not respect. We have an active neighborhood association and instead of being incorporated into the plan or at least even being notified that baseball was coming to Lincoln there was apparently no time to tell us. And, we mentioned that early on. You know, our first meeting with the Mayor and his Aides we said why were we not told about baseball. Well, we were told, we just didn't have time to get a hold of you. Apparently there was time to print press packets. There was time to call all kinds of people, but not time to pickup the phone and call even our neighborhood association president. I know that because I'm married to her. We we're told though don't worry about it, you're getting in on the ground floor and you can help us shape this project so that it works for you. Well, you received a letter from Ann Harrell at your Pe-council meeting. Our interests, we took them at face value and we tried to work with them. We distilled down our concerns basically to a few major points. They were traffic, the fate of the parking lot for a daily UNL parking, and concerts. Well, the paper that you got tonight after 6 months of work on our part trying to have those questions addressed we the, thanks to Scott Opfer, we've had our questions about traffic during the game fairly well addressed and we are fairly confident that that will be worked out, however, in regard to concerts or the daily UNL parking the answer that we received from the City in regards to those were the same answer that you have in front of you. There was a letter telling us that 27 trees are going to be planted in Hayward Park. That has nothing to do with parking. That has nothing to do with

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concerts. And, then there was a mention about X St. and that basically was an insult, too, because the street will be paved in the park next to the ballpark and then when it gets to the North Bottoms it turns into gravel with no sidewalks. And, you've heard earlier how that street is used by Capital Steel to move their equipment in and out. That for years has been a dusty street. It would be nice if that could be paved. I know that's outside the general policy for the City, but so is putting something like this next to a neighborhood. As far as the requests we have, as a part of any agreement that you have with the other partners, we ask that there be two piece, two stipulations; one that there will be no daily parking for UNL students at the site. UNL has a parking problem that should not be the North Bottoms problem. And, then also, we ask that there not be concerts allowed at the site. The closest homes to this ballpark will be less than 100 yards away. We can already hear clearly, my wife and I can sit outside on a summer nights during the Haymarket Haydays and we can sing along to the concerts in the Haymarket. Now, it's not bad because we're far enough away, but we can hear that music. That's quite a bit further away than this ballpark will be to the neighborhood so that would be blasting right into peoples, literally, into their backyards. And the Interstate berm that runs between the neighborhood will not stop that. So, those are our requests. We hope that, at some point you are our last line of defense, I guess. We've gotten little or no help from the Mayor's Administration so hope that you can help us out on these points. I'd take any questions.

Ms. Seng: I'd like to ask, do you have your requests in writing?

Mr. Burbach: I don't.

Ms. Seng: Could you get them?

Mr. Burbach: Well, we could yes. Mine are written out in chicken scratches.

Ms. Seng: I think that would be very helpful if you could do that.

Mr. Burbach: We will submit those.

Richard Halvorsen, 6311 Inverness Rd.: I guess I'm opposed to the Special Permit for the sale of alcohol. They're talking about they want this to be family entertainment and I, from my family alcohol was not part of family entertainment. And, I think they all come back and say the price of \$3 to \$4 a cup of beer will cap that. Other events have had that price and that hasn't stopped people from getting pretty well lit up, so if this project is approved I'd like you to have this Special Permit for alcohol part denied. Thank you.

Danny Walker, 427 E St.: I think it's some what amusing all the people that got up here speaking in behalf of this project and yet the area that it affects the most the City didn't even have the decency to try to sit down and negotiate the problems with them. I think that's very poor business. Secondly, I really don't like attending a budget hearing and have the Mayor say that boy we really worked hard to make a budget, but we made. There won't be any tax increase. And then within 60 days I see ten million dollars flutter down out of the sky for this ballpark. Something doesn't add up. And, then there sets a rec center over on F St. Well, we've got it all boarded up, we haven't got any money. It's been all ate up on this and that and do-dads. Next item. Flood water detention. In my opinion I think the assessment that the water should be released prior to the major inflow of Salt Creek is wrong. There should be provisions for detention and or retention, easy impact of the stormwater on Salt Creek. That's what detention and or retention ponds are for. Last but not least I think it's very strange that all the study that's taken place by Olsson and Associates and other groups, the Army Corp of Engineers, (inaudible), etc. and etc. and etc. which incidently if you haven't read the paper the Army Corp of Engineers can run water up hill right now. That's for your benefit. Two very good articles, yesterdays World Herald, today's Journal. Anyway, I can't understand why they could not answer the question what provisions would have to be made to comply with no net rise when and if it does take affect. I don't understand that at all. Are there any questions?

Don Burbach, 3660 Hartley Cr.: I feel a little bit like Lyndon Johnson years ago when he went to the American people and he said I come

before you with a heavy heart. I do too. I can't believe that the City Council can sit and allow a \$30 million expenditure to occur without a vote of the people or without even having the people know that it's occurring. That had been very little opposition of any kind to this ballpark except from the North Bottoms Neighborhood. I guess maybe we're the only ones that are paying taxes. A moment ago a fellow got up here and said he was so much in favor of ball diamonds for young children. Well so am I. I've nothing against ball diamonds. There are ball diamonds all over the City. There's all kinds of places for children to play baseball. Nobody's opposed to that, but what I'm opposed to is building a ball diamond for the main reason is to satisfy the University of Nebraska to make parking for football Saturdays, six times a year, five or six times a year and for whatever it needs the University feels necessary for that to be. There's a good article in the paper that the City is going to realize \$1.75 million a year of income. I have absolutely no idea how anybody could figure that when baseball historically has failed in Lincoln. What could these people use for criteria to establish that they were going to get that much money per year for the City? I find that difficult to believe. I also find it difficult to have a guy from West O St., he should have complained years ago about the West O which has been a blighted area as bad as North Bottoms was. But, the point there was he was saying that West O is going to benefit so much from this ball diamond. How? His surplus center going to benefit? Or is that Chicken joint out there on West O going to benefit? What's going to benefit from the ballpark. All the businesses that I know of unless somebody's going to go to a ball game and buy a new car there's no way he's going to benefit out on West O. So, I just think that it's a tremendous amount of money to spend without having any background. And, I would be willing to bet this Council, you put this up for the vote of the City and it will fail. Thank you. Any questions?

David Prochnow, 838 Y Street: I have in my hand an October 20 Omaha World Herald, I won't read it to you because I won't bore you that way, but you know Chip Davis wants to build that amphitheater out there and according to this NEBCO is one of the partners that is suing that project, and I will read this; it says NEBCO contends that the concerts and the amphitheater would produce excessive noise and big traffic jams that would keep people away from the golf course. Now ladies and gentlemen we're talking about a golf course. Now, people live in the North Bottoms area and I can tell you stories, I can tell you stories like coming out at lunchtime and there's a guy urinating on the Oak tree in my front yard. I can tell you stories that I can't come home, it's the only neighborhood in the City of Lincoln that I cannot come home on a Saturday during a football Saturday. I either have to stay at work, stay home, plan my schedule accordingly. I just, I can't believe that we're even going through this because one of the things at one of our meetings that was brought up was that the people that live in the neighborhood could put a sticker on their car. Now, can you honestly tell me that this is an ideal place to build this project when people that live in the neighborhood and pay taxes have to have a sticker. I mean this is not the Warsaw ghetto. I mean this is Lincoln Nebraska and this is a neighborhood. Now, with the other thing that I can't understand is why every time a project is built in Lincoln it involves like a half a dozen Police Officers directing traffic or closing streets. They said they'll either close Charleston St. or they can close it for good or they can close it during the games and I just can't see where this is an ideal situation. I mean, why can't we for once in Lincoln find a site where we don't have to have all these cops directing traffic, it just, it doesn't make sense to me. Another thing is they were talking about the neighborhood that sort of gets screwed all the time, well it does. They put the Interstate through our neighborhood years ago when I was just a little boy. They recently redid the Interstate. There is no sound laws on that Interstate. We've got this thing 40', 50' in the air. We've got traffic noise there. We've got Capital Bridge which is noise. We've got the fair in September which is noise. We've got the football games which is noise. I doubt that there is a noisier neighborhood in the City of Lincoln. And, I just, I can just,

if you want me to, I can give you a better idea for this ballpark. What I would do, instead of buying the railroad line you're buying why don't you buy the railroad line that goes from the Old Mopac Depot over to where Abel has his concrete industries you could take, we countered with the idea that just moving the ballpark west would save about \$9 million because you wouldn't have to move the City buildings or anything. That's \$9 million right there. You're talking about building bridges for \$3 ½ million dollars, basically a bridge that's going to go nowhere. It's just going to link the parking lot and the Haymarket area. Nobody's going to go over there and eat the hotdogs and drink \$6.00 beers and then go over to the Haymarket and have a latte when it's over with. I mean it's just not going to happen and I just can't see where it's going to bring anything into this town as far as economic impact because if you go over and at like the hockey games, the opposing team comes in on a bus, the money that supports it comes out of Lincoln because basically the only ones there are the other team. Then when it's over with the team gets on the bus, I don't see them pulling up in any hotel or anything they just drive off and that's it. So, the money that's going to come into this project is coming out of Lincoln and I just, I don't see where it's going to generate that much outside, that much outside revenue. But the thing I wanted to say is you're going to buy the UP line and I think that that's a mistake because if you look at this town every time something is built, we built a Post Office, well and that's not the City, but when the Post Office was built they built it down there by the railroad tracks and then they quit, you don't even see mail cars anymore. I mean they quit picking up mail by train. It seems like every time we do something it's in the wrong place. But what I would do, I'll tell you this and I'll let you go, but what I would do I would talk to UP and I would buy that line that goes from the Old Mopac station and I would take all this money and I'd get together with the University and I'd go over to Jim Abel and I would ask Mr. Abel if maybe he would move. Maybe he could move over onto that land that he's selling, that he wants to sell the City. If he moves you could put a trolley that could run from the Haymarket area over to that ballpark on the existing Mopac which is now Union Pacific Railroad tracks. Then I would try to get some of that trackage back and I'll tell you why. They're talking about having maybe ten permanent bus drivers that's going to be shuttling students and now they're going to have to shuttle either down Charleston or West O over to this ballpark. What I would do I'd put a light rail system in there over to this ballpark and I'd keep working that rail west while you still can while it still goes to 33rd. At one time we had a rail system that linked the Haymarket with the Downtown Campus, with the East Campus, with Gateway, went all the way out to Walton. And, I don't know why maybe they wanted to get it back on the tax roles, but I know that every time in this town they've tried to do something it's always been the same Downtown Lincoln. How many hotels have we built to save Downtown Lincoln? We've planted trees to save Downtown Lincoln. We have beer on Sundays now to save Downtown Lincoln. I for one am getting tired of saving Downtown Lincoln. If we're going to do it let's do it right not with a stupid bridge that people are just going to go back and forth to a ball game on. And, what I would do I would get, like I say, a light rail system and either take all this money ...

Ms. Seng: You're way over your time.

Mr. Prochnow: OK I'll let you go.

Terry Kubicek, 1800 S. 53rd St.: I appear in a neutral position to comment on this process. It seems that this process has a Hallmark of the ends justifying the means and I fear that that creates a number of adverse consequences that the City of Lincoln and taxpayers will pay for a number of years in the future. This project does have an adverse impact on the neighborhood and whether not we're setting the stage to destroy that neighborhood today I do believe it is one more nail in its coffin. So let's recognize it. The sequestration of money from budgeted items undermines the budget process and public participation in setting priorities for this City, this Community. The redirection of money which continues tonight re-enforces that. It steals money from Peter, Paul, and

Mary to pay Jim. Almost literally. The waiver of flood plain requirements sets a bad precedent for this City setting a good example. How are you going to enforce the requirements on developers when the City itself waives its own requirements? Now it's been mentioned that there's a 15% infringement that can take place in a flood plain. How does based on the Corp of Engineers aside in a study, it is not a formal guideline and it is certainly not a principle in standard of flood plain management. It's being used out of context and I caution about that because this City has not aggregated infringements on the flood plain. So 15% on this project may well be 50% or 60% based on the 1978 information that was updated in 1983. They continue to be the basis of flood plain analysis in Salt Creek in 1996. There's been no new study. This City has not put money into it and the NRD has not participated, it's not been a priority, so therefore the public continues at risk based on old information. The (Inaudible) Engineers admit that they cannot meet a no rise or no net loss standard. That ought to be a warning that somebody's going to get more flood waters whether it's in the 14th St. area or the 27th St. area. And, the thought of saying that we will not provide onsite detention because, after all, you don't want to store flood waters in a flood way is ludicrous. Think about it. Where is Holmes Park Lake? It's in the flood way and flood plain where better to stop flood waters, onsite where the water goes. And, if you won't allow flood detention in this site then where will you? I haven't heard any discussion of compensating flood storage somewhere else in the flood plain. Waters got to go somewhere and look at the amount of additional hard surface that this facility creates in its concrete construction. Water runs off faster and at a higher rate and will cause a higher elevation in this stream. Also, let me note that this process sets the stage for increased development in the flood plain and you heard about West O being eager to develop. It sounded a little bit like a feeding frenzy of sharks. A lot of that area is in the flood plain and some of it is in the flood way. A cautionary note, if that development takes place you'll have more infringement, more water to deal with, and more adverse impacts from that water. Lastly, I'd like to note that this process puts the public at risk using public money and sets a dishonorable example for our community. I appear in a neutral position. I do support economic development. I support sustainable development. I support the University of Nebraska. I was a graduate of the facility and so it is somewhat with heavy heart and mixed thoughts that I share these concerns and I think set a very bad precedent for all of us. Thank you. I'd be happy to answer any questions.

Ms. Harrell: Thank you. I know it's been a long evening and we'll be quick. We just wanted to address a couple of specifics that came up in the testimony.

Mr. Seacrest: We did have two citywide, er city all-neighborhood meetings and we also had three smaller neighborhood meetings with the leadership of the neighborhood, so I do want you to know we have had lots of dialog and we have heard a lot of their concerns and we've done our best to address those. A couple, the two that were raised tonight, the commitment of no concerts and the UNL parking I'd just like to take a couple of moments. We interviewed and dialoged with Ogden whose you're operator at Pershing on how, whether or not there was a market and how you would do a concert at that stadium. They indicated to us to do a concert of a size and magnitude that I think would make the noise and would drive everybody nuts we're talking about over \$150,000 just to put down a specialized pad so you don't wreck the ball playing surface. And, that's just temporary and you rent that pad and by the time you take that divide by the 4500 seats you can't begin to even make it economical to bring the concerts of the magnitude that bring in the heavy equipment and the heavy amplifiers. Now, if you do the soft music where you don't need the heavy equipment then you don't need the heavy pads and I think what we're envisioning, you know perhaps, the Haymarket Haydays, the July Jam type events that are already occurring in the Haymarket vicinity is what we're seeing. So, Ogden has convinced us that it's not going to be economical to do what I call the heavy duty concerts, but to say where you draw the line we think there are concerts that will be appropriate and that will be

a real asset to this community and we will be doing our best with our sound system by design to cut it off as best we can given that we have the I-180 berm as well as modern technology of how to have amplification system work without it bleeding into the neighborhood. As far as the UNL parking is concerned, by removing the tow lot and a number of Public Works jobs out of that campus area basically what is happening the equivalent amount of traffic we are moving out you could have 700 students park there every day and it would be the same amount of traffic. Right now the University does not think there will a market that they want to go push into that area, but they don't want to say never. And, so as a result what I think the University is committed to doing is if they decide to try to market that for student parking someday they would be glad and realize out of the good neighbor policy they will sit down and meet with that neighborhood before any decisions are made on to how it would be done. With that we'd be glad to answer any questions you might have.

Mr. Camp: Kent, in a follow up to what you were talking about on the baseball turf and specialized mat it would take to put on that infield to protect it, as part of the agreement that's proposed the City would have 15 days of use and Joel Pedersen provided me a list, I think we're kind of number eight out of a list of eight in priorities, but what realistically, what realistic type of events could we have in the stadium as opposed, I know that it's been mentioned to have events out in the parking lot, but from a practical standpoint just so we understand the (inaudible).

Mr. Seacrest: (inaudible) type setting. I think talking with the City in doing all the negotiations I think they see more market ability for the parking area than they do inside the stadium, because this is a specialized complex. It's not designed for concerts, it's not an indoor arena, it's a baseball stadium. But anybody that can theoretically use that will look at it, but we're not sure, you know, you look at Sherman Field I don't think the doors every beaten down to use Sherman Field for other than baseball. We'd hope that it can be used for other community events, but until the community comes forward and tells us what those ideas are we don't know realistically.

Ms. Harrell: To tell you the truth, Jon, we have not tried to devote an enormous amount of attention at this point yet to how those 15 day would be used by the City just because we've been dealing with the larger issues first of how it's going to be designed and built, but I can give you one other example that we've actually had a request from the public is someone is interested in having a bicycle race that's staged out of the lots there and maybe could use part of the trails that are being built with the project. We haven't tried to say these are what those 15 days are going to be, but those are some of the examples.

Mr. Fortenberry: Excuse me, as the project proceeds what other opportunities are you going to take to dialog with people who have expressed concern tonight or others that are out there that feel that there are going to be spill over impacts from the development of this.

Mr. Seacrest: We've made the commitment all along to share with plans with the neighborhood. We had met with them, or shown them the plans to date as we get more specific in those plans and we're getting closer, where we really know where the speaker goes, where the light goes, specifically we will be sharing that information with them as well and we've been under direction to our design team to recognize that that's an important neighborhood there, and to do it right, and, technology and smartness of other ball fields have learned how to do this. This is not the first stadium to be built near neighborhoods, in fact, most of the Cities projects, the minor leagues and major leagues are in the heart of neighborhoods. This one, good or bad, is 600' away to the closest home so there is, and also the I-180 corridor goes in between, so this isn't as tough a job as our design team has seen in plans to design for. But, we've made that commitment, we'll follow through and as the plans get into more detail we'll share them with the neighborhood.

Ms. Harrell: I've asked that the neighborhood feel free to call me during the construction process if there are problems, I don't know what, but I just said, you know, feel free to be in touch with me as things move

along. We've also talked with the neighborhood in conjunction with Urban Development about trying to work toward a focus area plan for the North Bottoms comparable to what some other neighborhoods in the core part of the City have already designed, and I'm hoping very much that that will move forward under the guidance of the Urban Development Dept.

Mr. Fortenberry: If you could expand on that and what type of opportunities that might present themselves for, not only, enhanced cooperation with between the City and the neighborhood, but outcomes that have already been seen in other areas of the City.

Ms. Harrell: Through a focus area plan?

Mr. Fortenberry: Yes.

Ms. Harrell: Well, yeah I don't have anyone here from Urban Development who can really speak to the very specific aspects of that, but I think what other neighborhoods have seen as they moved through that focus area of planned process is that it's a good way to focus the neighborhood on it's needs, it's challenges, on it's desires and dreams for it's own area and on what they really would like to see happen in their area and to identify how those things can be achieved and it really is a good guide for the Urban Development Dept. in making future decisions about reinvestment in the corp to be able to look to that focus area plan and feel confident that it's the result of a carefully orchestrated process between the City and the neighborhood to identify exactly what the top concerns really are.

Mr. Fortenberry: Is the University committed to being involved in that process, because a lot of the issues that I hear are problematic, flow forth from University activities and such.

Ms. Harrell: I have felt all along that the University has been very responsive to request from our office to attend meetings, to join in discussions, to be sensitive to the concerns that they're hearing. You know, this whole process has, perhaps, allowed the neighborhood to vent some frustrations that they have felt historically and I think the University is trying to take those seriously. As we all know, the football Saturday's have a widespread impact in the middle of Lincoln, but, you know, one of the things that the City does is they begin focus area plans with neighborhoods is a lot of brainstorming, actually walking the neighborhood, trying to identify a large number of concerns that they can gradually work on and begin to identify what really are the top issues and I wouldn't be surprised to see some University related issues come out of that process if we can get it going.

Mr. Fortenberry: Is there a time line set for that?

Ms. Harrell: Not really, I mean, I invited Wynn Hjermsstad from Urban Development to meet with me and with the Neighborhood Association president we did that last week in my office and I had Wynn talk at length about what the focus area plan process is. One of the Cities requirements is it does rely heavily on an organized neighborhood association to participate fully in the process. The City cannot do it by itself, so what I have urged Wynn and the Neighborhood Association president to do is to be in touch and take it from here so to speak, but I, we didn't try to assign a time line to that.

Mr. Fortenberry: Well that certainly sounds positive. I don't think we have to pretend that everybody's going to end up perfectly happy with everything here, but perhaps one opportunity that flows forth is what you're talking about in regards to a more focused, attentive effort on those organizing that neighborhood, identifying needs and then seeing how we can address those in the future either in conjunction with this project or through other means that we've done in other neighborhoods as you're very familiar with on other projects so I think an aggressive time line if you could present that back to us make it for this type of activity might be a big help.

Mr. Seacrest: We can do that.

Ms. Harrell: I'll ask Wynn to try to let me know how long those things normally take and what'll happen next.

Ms. Seng: And, if we do receive the list that we asked Mr. Burbach to put in writing we'll forward that on.

Mr. Fortenberry: Joel Pedersen is he here? I want to ask you the

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same question I asked earlier because I think it's important for the community to understand in some detail regarding the lease agreement how the City, what the City's obligation is so if you would detail that 35 year lease and again the worst case scenario should baseball become defunct, the provisions that protect the City.

Mr. Pedersen: What we start with is the initial idea of a capitalized or prepaid lease. In the lease document itself you'll see that the University is contributing 10.6 million dollars and NEBCO is contributing 9.5 million dollars to capitalize. Again, as I pointed out in the Pre-Council meeting that's a little unusual. Usually developers come to the City on these types of projects and ask for financing and that's part of what the City contributes. This was a better situation in my opinion for the City, so we looked at this in terms of a useful life concept and also in terms of what a fair return is for the University and NEBCO in making that type of investment in the improvements. The overall idea is that the City would own the ballpark improvements for the duration of the lease and at termination of the lease. So that those improvements are capitalized that's in a sense what funds, the ballpark facilities and use of them. In exchange for that for a relatively long period of time, the initial term being 35 years, the City is relieved of all of the obligations for the operation, maintenance, and upkeep of those facilities. So anything that goes on with the ballpark facility is the obligation of the University and NEBCO including any needed repairs or improvements. The City is required to make no capital contribution for improvements during the term of that lease. NEBCO and the University have the obligation or the option, if you will, at the end of the initial 35 years to extend the term for up to an additional 7 five year terms for a total of 70 years. And, we did talk about this in terms of just making it overall a 70 year term, but there was reasons why we wanted 35. You know I don't need to go into detail about that, but in terms of how this breaks out, if the University were to discontinue providing baseball and softball, NEBCO is under the obligation to pick up the ballpark facilities and the maintenance and the upkeep and the operation of those. The same is true vice versa. If the Northern League team or Minor League professional baseball is no longer providing baseball in the City of Lincoln then the University would step in and pickup all the obligations on the baseball facilities. It's a fairly straight forward idea. The protection for the City is really two-fold. It's in the initial capitalization and then the overall long-term of the lease protects the City and those obligations which include a non-compete clause so that we don't have a temptation for either the University or NEBCO during the later stage of this lease to go fishing somewhere else. They're committed to play here and keep the improvements and the dollars going into this facility.

Cindy Johnson, Council Member: You know, I think there's a real confusion on the term lease agreement because leases have this idea that we build it and somebody puts money in it every month and then we take that revenue and do something with it. So let me reword what you just said, that the involvement of the University and the involvement of NEBCO basically waives their responsibility of paying a monthly lease payment. Is that what you're saying? So really the only ...

Mr. Pedersen: You could view it that way. It's prepaid because instead of us funding and building it and then turning around and leasing it to them, they have the capital to contribute up front.

Ms. Johnson: That's what I'm saying. It waives them of a monthly payment that all of us have on our big capital expenditures as a person. Now what is our benefit as far as the City goes has been what we're going to get in the economic development. Is that correct?

Mr. Pedersen: That's correct.

Ms. Johnson: Do we have anyway of measuring that and have we planned on doing that?

Mr. Pedersen: Well, the Hammer-Siler study is what I would cite. I mean we had people, rather than just guessing whether or not people would come and stay the night, we had people look at other Northern League facilities Hammer-Siler did that in a professional, and I would say,



reputable way. They have done this in other jurisdictions. They applied those principles under guidelines that we gave them which were to do a fairly conservative analysis and not use a multiplier or affect that made this look like it was billions and billions of dollars. So, I think they've done a credible job in estimating those impacts and I think the revenue streams to the City from the sales tax and other revenues from hotel, restaurant, the sales at the ballpark facilities are fairly conservative and real.

Ms. Johnson: I guess where I'm trying to get at is if they can put together enough information and study to create a study then we should have an ability to see if we're getting a return on our investment. If I were getting ready to invest in a company and I say what's going to be the return on it they're not going to tell about the study about the company they're going to show me facts. They're going to show me real dollars. That's what I think the community has a responsibility to see, so how can we do that?

Mr. Pedersen: Well, I don't necessarily disagree with what you're saying, but in all the perspectives that I get it says that past performance is no guarantee of future success and I think the same type of principal applies here. And, I think we answered that primarily by telling Hammer-Siler to do this with the conservative model. So the expectations were realistic, however, there is, you know, events that we may not foresee or anticipate that would not deliver those returns.

Ms. Johnson: Is there anybody here from Finance or have they all gone home? There's Steve. Steve is there a way we can study this, I mean, if we're going to receive tax dollars, or sales tax which is wonderful that's what's helped us keep our property taxes from going as high as we have. We've been able to maximize on them. If that's a method of revenue, can we measure that?

Steve Hubka, Finance Dept.: I think it'll be measurable to some degree. I think you'll know exactly how many people were at the ballpark. There's Northern League cities I've talked to or looked at have an idea what per capita expenditures are for concessions and merchandise. Things such as how many extra people eat at restaurants, and go to, stay in hotel rooms is a little more difficult to measure, but I know Fargo did a survey of how many people came from 50 miles or more outside of town and stayed the night. I think it was 8 or 12%, that was what we were told, so there's ways of measuring parts of it. I don't know that you're ever going to capture all the overall economic activity accurately, but there's certainly parts of it that can very well be measured once the stadium's in operation and games are being played.

Ms. Johnson: Well, if our businesses are receiving a benefit from it and we're seeing sales tax increases that should ultimately come back to the taxpayer who's building part of this. And, that's what I think we have to see if this is the direction we're going to go in. We've got to have some way to measure it.

Mr. Hubka: One of the problems they have with sales tax information, we have this from every business that pays sales tax is that they're a taxpayer and that information is confidential through the State by State law. And, so you, you know, can speculate because you going to be able to see the number of people there at the ballpark, but it is confidential information. You know we don't have any legal right to get specific information on sales tax.

Ms. Johnson: I understand that, but if we see people at the ballpark I want to see figures on the paper when it comes before us. That's really, that's the point I was trying to make.

Mr. Hubka: And I think NEBCO, if they're agreeable to it, are the ones that can get the best indication of what those numbers are. I don't know that we have any obligation or they have any obligation to provide that under the documents before you now.

Mr. Pedersen: The reporting requirements that are in the lease relate primarily to capital investments, and they have agreed to give us reports annually or as needed on their capital investments which will be more important as the term of the lease extends. But, that's the one area of reporting that I thought was important.

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Ms. Johnson: Well, I think this is just a very serious investment and we shouldn't just say it's a warm and fuzzy good idea and somewhere in the middle of the air there's dollars coming in. I think we need to be specific. We can do it. We just have to be creative in finding a way.

Mr. Fortenberry: In that regard, I'm recalling going off the top of my head I don't have the feasibility analysis in front of me, but I recall it's fifty thou, approximately \$50,000 of direct sales revenue to the City that will be sales tax revenue. Did the figure, though, ever get annualized in terms of an annual revenue extreme to the City in regards to cooperative development impacts as well as new jobs that were created, the property tax that would be returned through that means?

Mr. Hubka: There were some numbers related to job creation and that and I'm thinking 80 or 84 jobs something of that nature. Was there ...

Mr. Pedersen: Yeah, that material was summarized in the Charter so you don't need to pull out the whole study. The main points of that are listed in the Charter. I could get that for reference if you want the detail, but that is in there.

This matter was taken under advisement.

AMENDING THE PEDESTRIAN/BICYCLE ADVISORY COMMITTEE TO ALLOW ALL 14 MEMBERS OF THE COMMITTEE TO BE APPOINTED BY THE MAYOR - Scott Opfer, Public Works Dept.: Jennifer Brinkman from the Mayor's Office asked me to address this item. Basically, in the past, there are 14 members to the, 14 members on the Pedestrian/Bicycle Advisory Committee. In the past the Mayor has appointed 11 of those members and three have been appointed by the Traffic Safety Committee. In recent months the Traffic Safety Committee was disbanded just, I believe, it lost, lost some focus and they hadn't been meeting for quite a while so this is asking that the Mayor appoint all 14 members instead of just the 11. These members would continue to be a part of the Committee and would officially be appointed in the near future.

This matter was taken under advisement.

AMENDING CHAPTER 5.38 OF THE LMC TO INCLUDE CONDOMINIUMS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE MINIMUM HOUSING STANDARDS - Peter Katt, 530 S. 13th, Suite B: Appearing on behalf of Mark Hunzeker, on behalf of Lincoln Board of Realtors. I believe it was at Mark's request that the Public Hearing was scheduled to remain open through today. We have had a tight chance to review the specifics of the ordinance. We think the language that has been chosen does not accomplish what the original intent of that is. We've had some contacts with Lincoln Board. We think the preferred course in this would be to place this item on Pending. We believe there will need to be language changes to the ordinance draft that's been presented. It would appear from the language that's drafted that you will be licensing one owner condominium units, two owner condominium units, not licensing three owner ones if they live in one. The complexities of the difference between condominium ownership and the interplay of definitions in your existing ordinance do not allow for the, to simply add condominiums to the list. If you intend to license different condominiums there's more things that need to be done in your ordinance to accomplish it. Lincoln Board of Realtors, I believe, will (inaudible) be beneficial.

City Clerk: Till the 6th?

Mr. Katt: I don't believe it would be likely that with changes if Legal Staff and Building and Safety Dept. agree with our reading of the language in the ordinance, I believe there'll need to be changes in the language to accomplish whatever their intent is and I don't think it's realistic to expect that that language change will happen and be ready to go on that quickly.

Ms. Seng: Paul, the request though that you had was from Building & Safety?

City Clerk: Yes, till March 6th, but ...

Mr. Katt: If Building & Safety thinks March 6th will get it done we will work with them and we can always extend it if the works not done.

Ms. Seng: We can always extend it.

Mr. Camp: I move we hold it til March 6th and do we want to include

continuing Public Hearing then because there'll be some revisions. OK. So we'll hold it over to March 6th with Public Hearing.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### MISCELLANEOUS BUSINESS

Terry Kubicek, 1800 S 53rd St.: I know it's on your agenda on the Pending List Item 63, but when you look at that for consideration in the future, please notice that it talks about a 100' flood corridor, a study done by Olsson & Assoc. and I'm sure that was not pointed out to you during your consideration. Thank you much.

This matter was taken under advisement.

Danny Walker, 427 E St.: Now that the City Attorney's office has managed to meet a compromise with developers in regards to the 60', 100' deal. I understand there's an agreement now that they're going along with the no net rise. I'm glad to see that there was some kind of an issue resolved there.

This matter was taken under advisement.

Jerre Bovett, 3705 Chapin Cr.: Spoke on the 40th Street widening project. The Public Works scheduled a meeting with neighbors concerned with this project from 4:00 to 5:30 which had a low attendance because people have to work so it was assumed there wasn't much interest. More street than the area talked about is going to be widened and the people didn't know this. He presented a letter to the project manager requesting some information, but he has not received an answer to his request. He stated if it wasn't for his City Councilman he probably wouldn't get any answers.

Cindy Johnson, City Councilman: Suggested that he speak to Ann Harrell, the Mayor's Assistant, about the lack of responses from Staff.

This matter was taken under advisement.

Glen Cekal, 1420 C Street: The Sidewalk Dept. marked the sidewalks in his area indicating that they were going to improve them, then he received a letter stating this was done in error and they have run out of

money to fix the sidewalks in his area at this time. He wants the City to fix the streets & curbs in this City. He was told there was money to fix up the F Street Recreation Center now they say there isn't any money.

This matter was taken under advisement.

#### ORDINANCES - 3RD READING

CHANGE OF ZONE 3231 - APP. OF REGAL BUILDING SYSTEMS, INC. FOR A CHANGE FROM R-3 TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 24TH & DODGE STS. (IN CONNECTION W/00R-51, 00R-52, 00R-53) - PRIOR to reading:

SHOE CRAFT Moved to suspend the rules to have 3rd Reading & Action on Bill 00-42.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

MCROY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17610, is recorded in Ordinance Book No. , Page

AMENDING CHAPTER 5.38 OF THE LMC TO INCLUDE CONDOMINIUMS FOR THE PURPOSE OF

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ENSURING COMPLIANCE WITH THE MINIMUM HOUSING STANDARDS - PRIOR to reading:  
CAMP Moved to place on Pending w/Public Hearing on 3/6/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, amending Chapter 5.38.010 of the Lincoln Municipal Code to include condominiums within the definition of "house" and to add "condominium" and "condominium unit" to the definitions pertaining to Chapter 5.38 "Motels, Hotels, Rooming, Lodging, and Apartment Houses" to clarify that condominiums fall within the provisions of Chapter 5.38 in order to ensure that condominium units comply with the minimum housing standards; and repealing Section 5.38.010 of the Lincoln Municipal Code as hitherto existing, the third time.

CHANGE OF ZONE 3224 - AMENDING TITLE 27 OF THE LMC TO ADD A NEW SEC. 27.71.095 TO PERMIT LIGHT WELLS & EGRESS WINDOWS IN REQUIRED YARDS - PRIOR to reading:

COOK Moved to delay action on Bill No. 00-32 to 2/28/00.

Seconded by McCook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, amending Title 27 of the Lincoln Municipal Code (the Zoning Code) to add a new section 27.71.095 relating to permit light wells and egress windows in required yards, the third time.

CHANGE OF ZONE 3225 - APP. OF RIDGE DEVELOPMENT CO., SOUTHVIEW, INC., & THE LARGE PARTNERSHIP FOR A CHANGE FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK & FROM O-3 OFFICE PARK TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED SOUTHEAST OF S. 14TH ST. & YANKEE HILL RD. - CLERK read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17611, is recorded in Ordinance Book No. , Page

ACCEPTING THE STREET RIGHT-OF-WAY FOR THE EAST HALF OF S. 91<sup>ST</sup> ST. ABUTTING VINTAGE HEIGHTS 6<sup>TH</sup> ADD. - CLERK read an ordinance, introduced by Jeff Fortenberry, accepting and approving the dedication of right-of-way to the west one-half of South 91st Street, abutting Vintage Heights 6th Addition, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17612, is recorded in Ordinance Book No. , Page

AMENDING SEC. 9.16.230 OF THE LMC TO DEFINE "NUDITY" & TO MAKE IT UNLAWFUL FOR A PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY OR FOR AN EMPLOYEE OR PERFORMER TO HAVE ANY PHYSICAL CONTACT WITH ANY PATRON. (IN CONNECTION W/00-35, 00-36) - PRIOR to reading:

COOK Moved to Withdraw Bill No. 00-14.

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, whereas, the City Council recognizes and believes the public health, safety, and welfare of the community to be adversely effected by public nudity, not only as an offense to the protection of order and morality in the community but also due to secondary adverse effects of public nudity including, but not necessarily limited to, prostitution, assaultive behavior, and other related criminal behavior, the third time.

The ordinance, having been **WITHDRAWN**, was assigned File #38-4327, & placed on file in the Office of the City Clerk.

AMENDING SEC. 9.16.230 OF THE LMC TO DEFINE "NUDITY", TO MAKE IT UNLAWFUL FOR A

PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY, & PROVIDING EXCEPTIONS THERETO. (IN CONNECTION W/00-14, 00-36) - PRIOR to reading:

FORTENBERRY Moved to place Bill 00-36 on Pending.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; NAYS: Shoecraft.

CLERK Read an ordinance, introduced by Jeff Fortenberry, amending Sec. 9.16.230 of the LMC to define "nudity", to make it unlawful for a person to appear in any public place in a state of nudity, & providing exceptions thereto, the second time.

AMENDING CHAPTER 9.16 OF THE LMC TO ADD SEC. 9.16.240 BANNING SEXUAL CONTACT IN BUSINESSES. (IN CONNECTION W/00-14, 00-35) - CLERK read an ordinance, introduced by Jeff Fortenberry, whereas, the City Council recognizes and believes the public health, safety, and welfare of the community to be adversely effected by public sexual contact, not only as an offense to the protection of order and morality in the community but also due to secondary adverse effects of public sexual contact including, but not necessarily limited to, prostitution, assaultive behavior, and other related criminal behavior, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17613, is recorded in Ordinance Book No. , Page

VACATING W. "E" ST. BETWEEN S.W. 6TH & S. FOLSOM STS. - PRIOR to reading:

COOK Moved to accept Substitute Ordinance on Bill No. 00-27.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; None: Nays.

CLERK Read an ordinance, introduced by Jonathan Cook, vacating W. "E" St. between SW 6th & S. Folsom Sts., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

The ordinance, being numbered #17614, is recorded in Ordinance Book No. , Page

CHANGE OF ZONE 3182 - APP. OF THE B & J PARTNERSHIP & THE PLANNING DIRECTOR FOR A CHANGE FROM R-2 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS & FROM R-2 RESIDENTIAL TO P PUBLIC ON PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVE. & W. "A" ST. (IN CONNECTION W/00-17, 00R-27) - PRIOR to reading:

CAMP Moved to delay action on Bill 00-16 to 3/6/00.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CAMP Moved to withdraw motion to delay.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17615, is recorded in Ordinance Book No. , Page

DECLARING APPROX. 0.9 ACRES OF PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVE. & W. "A" ST. AS SURPLUS & AUTHORIZING THE SALE THEREOF. (IN CONNECTION W/00-16, 00R-27) - PRIOR to reading:

COOK Moved to amend Bill No. 00-17 on page 1, line 38, after the word "authorized" inset the following language: in accordance with the Real Estate Sale Agreement for the Installation of Off-site Transportation Improvements (Use Permit No. 118) a copy of which is attached hereto as Attachment "A" and incorporated herein by reference. The Mayor is hereby authorized to execute said Agreement on behalf of the City of Lincoln.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

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CLERK Read an ordinance, introduced by Jon Camp, declaring a tract of City-owned property generally located at S. Coddington Ave. & W. "A" St. as surplus & authorizing the sale thereof to B & J Partnership, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17616, is recorded in Ordinance Book No. , Page

AMENDING TITLE 26 OF THE LMC TO ADD A SECTION TO DEFINE "MINIMUM FLOOD CORRIDOR", TO ADOPT THE POLICY RECOMMENDATION RELATED TO THE COMPREHENSIVE STORMWATER MANAGEMENT PLAN, TO ESTABLISH A REQUIREMENT FOR THE REMOVAL OF SEDIMENT FROM STREETS, ALLEYS, SIDEWALKS, PUBLIC WAYS, OR PUBLIC GROUNDS, & PROVIDING A PENALTY FOR FAILURE TO DO SO. (IN CONNECTION W/00-29, 00-30, 00R-38) - PRIOR to reading:

SHOECRAFT Moved to amend Bill No. 00-28 on page 1, line 15, delete the number "100" and insert the number "60" in lieu thereof.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

COOK Moved to amend bill No. 00-28 on page 9, line 11, delete the period after the word "structures", insert a semicolon, and add, "provided, however, that encroachments within the corridors will be permitted in accordance with the Flood Corridor Management provisions of the Storm Water Drainage Design Standards (including the "City of Lincoln Drainage Criteria Manual").

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Title 26 of the Lincoln Municipal Code, the Land Subdivision Ordinance, by amending Chapter 26.07 of the Lincoln Municipal Code by adding a new section numbered 26.07.126 to provide a definition of "minimum flood corridor"; amending Sections 26.11.038, 26.15.020, 26.19.031, 26.23.105, 26.23.120, 26.23.190, and 26.27.060 of the Lincoln Municipal Code to adopt the policy recommendations of the Mayor's Stormwater Advisory Committee related to the Comprehensive Stormwater Management Plan; amending Chapter 26.31 of the Lincoln Municipal Code to add a new section numbered 26.31.040 to establish a requirement for the removal of sediment from streets, alleys, sidewalks public ways or public grounds and providing a penalty for failure to do so; and repealing Sections 26.11.038, 26.15.020, 26.19.031, 26.23.105, 26.23.120, 26.23.190, and 26.27.060 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17617, is recorded in Ordinance Book No. , Page

CHANGE OF ZONE 3216 - AMENDING TITLE 27 OF THE LMC TO PROVIDE GRADING & LAND DISTURBANCE REGULATIONS FOR THE AG, AGR, R-1 THROUGH R-8, O-1 THROUGH O-3, R-T, B-1 THROUGH B-5, H-1 THROUGH H-4, & I-1 THROUGH I-3 ZONING DISTRICTS. (IN CONNECTION W/00-28, 00-30, 00R-38) - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the Lincoln Municipal Code by adding new sections numbered 27.07.075, 27.09.075, 27.11.075, 27.13.075, 27.15.075, 27.17.075, 27.18.075, 27.19.075, 27.21.075, 27.23.075, 27.24.075, 27.25.065, 27.26.75, 27.27.075, 27.28.075, 27.29.075, 27.31.075, 27.33.075, 27.35.065, 27.37.055, 27.39.065, 27.41.075, 27.43.075, 27.45.065, 27.47.065, 27.49.075, 27.51.085 to provide grading and land disturbance regulations for the AG, AGR, R-1 through R-8, O-1 through )-3, R-T, B-1 through B-5, H-1 through H-4, and I-1 through I-3 zoning districts, respectively; amending Section 27.81.010 of the Lincoln Municipal Code to adopt the policy recommendations of the Mayor's Stormwater Advisory Committee related to the Comprehensive Stormwater Management Plan; and repealing Section 27.81.010 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass ordinance as read.

Seconded by Shoecraft & carried by the following vote: AYES: Camp,

Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17618, is recorded in Ordinance Book No. , Page

AMENDING CHAPTER 20.12 OF THE LMC TO ADOPT THE POLICY RECOMMENDATION RELATED TO THE COMPREHENSIVE STORMWATER MANAGEMENT PLAN. (IN CONNECTION W/00-28, 00-29, 00R-38) - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 20.12 of the Lincoln Municipal Code, the Lincoln Building Code, by amending Section 20.12.090 to adopt the policy recommendations of the Mayor's Stormwater Advisory Committee related to the Comprehensive Stormwater Management Plan; and repealing Section 20.12.090 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17619, is recorded in Ordinance Book No. , Page

#### PRELIMINARY PLAT, SPECIAL PERMITS & USE PERMITS

SPECIAL PERMIT 1781 - APPLICATION OF GERALD MADDOX TO DEVELOP NORTHVIEW 1ST COMMUNITY UNIT PLAN CONSISTING OF 122 ATTACHED SINGLE FAMILY DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT NORTH 24TH AND DODGE STREETS. (IN CONNECTION W/00-42, 00R-51, 00R-52, 00R-53) - PRIOR to reading:

CAMP Moved to Bill No. 00R-50 on page 3 line 19 after the word "approves" strike the number 121 & insert in lieu thereof the number 122, and page 3 line 19, after the word "units" strike the remaining portion of the sentence on lines 19 & 20.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80030 WHEREAS, Gerald Maddox has submitted an application designated as Special Permit No. 1781 for authority to develop Northview 1st Community Unit Plan consisting of 122 attached single family dwelling units on property generally located at North 24th and Dodge Streets, and legally described to wit:

Lot 2, Block 1, Northview 1st Addition, Outlot "A", Northview 2nd Addition, and Lot 140 I.T., located in the North One-half of Section 12, Township 10 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Referring to the southeast corner of the Northeast Quarter of said Section 12, thence in a northerly direction, along the east line of the Northeast Quarter of said Section 12, on an assumed bearing of north 00 degrees 04 minutes 52 seconds west for a distance of 811.04 feet to the centerline of Old Dairy Road; thence along said centerline of Old Dairy Road, north 88 degrees 42 minutes 53 seconds west for a distance of 471.04 feet; thence north 01 degrees 17 minutes 07 seconds east for a distance of 33.00 feet to the point of beginning; thence on a curve to the right, with an angle of 42 degrees 36 minutes 55 seconds, a radius of 117.00 feet, a chord bearing of north 67 degrees 52 minutes 58 seconds west, a chord length of 85.03 feet, and an arc distance of 87.02 feet; thence south 43 degrees 25 minutes 34 seconds west for a distance of 66.00 feet; thence north 88 degrees 45 minutes 16 seconds west for a distance of 723.37 feet; thence north 00 degrees 02 minutes 31 seconds west for a distance of 495.97 feet; thence north 00 degrees 14 minutes 33 seconds west for a distance of 233.92 feet; thence south 88 degrees 47 minutes 20 seconds east for a distance of 99.30 feet; thence on a curve to the left, with an angle

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of 01 degrees 11 minutes 16 seconds, a radius of 630.00 feet, a chord bearing of south 89 degrees 24 minutes 22 seconds east, a chord length of 13.06 feet, and an arc distance of 13.06 feet to a point of tangency; thence south 90 degrees 00 minutes 00 seconds east for a distance of 323.50 feet; thence north 00 degrees 00 minutes 00 seconds east for a distance of 60.00 feet; thence north 90 degrees 00 minutes 00 seconds west for a distance of 137.12 feet; thence north 00 degrees 00 minutes 00 seconds east for a distance of 128.00 feet; thence south 90 degrees 00 minutes 00 seconds east for a distance of 551.78 feet; thence south 00 degrees 03 minutes 42 seconds east for a distance of 437.28 feet; thence south 00 degrees 03 minutes 42 seconds east for a distance of 478.25 feet; thence north 88 degrees 42 minutes 53 seconds west for a distance of 2.79 feet to the point of beginning. Said parcel containing a calculated area of 16.50 acres, including 3.112 acres of right-of-way, more or less.

AND

Referring to the southeast corner of the Northeast Quarter of said Section 12, thence in a northerly direction, along the east line of the Northeast Quarter of said Section 12, on an assumed bearing of north 00 degrees 04 minutes 52 seconds west for a distance of 811.04 feet to the centerline of Old Dairy Road; thence along said centerline of Old Dairy Road, north 88 degrees 42 minutes 53 seconds west for a distance of 471.04 feet; thence north 01 degrees 17 minutes 07 seconds east for a distance of 33.00 feet; thence on a curve to the right, with an angle of 42 degrees 36 minutes 55 seconds, a radius of 117.00 feet, a chord bearing of north 67 degrees 52 minutes 58 seconds west, a chord length of 85.03 feet, and an arc distance of 87.02 feet; thence south 43 degrees 25 minutes 34 seconds west for a distance of 66.00 feet; thence north 88 degrees 45 minutes 16 seconds west for a distance of 723.37 feet; thence north 00 degrees 02 minutes 31 seconds west for a distance of 495.97 feet; thence north 00 degrees 14 minutes 33 seconds west for a distance of 233.92 feet; thence north 00 degrees 01 minutes 15 seconds west for a distance of 60.00 feet to the point of beginning; thence north 00 degrees 01 minutes 15 seconds west for a distance of 125.74 feet; thence south 90 degrees 00 minutes 00 seconds east for a distance of 238.78 feet; thence south 00 degrees 00 minutes 00 seconds west for a distance of 128.00 feet; thence south 90 degrees 00 minutes 00 seconds west for a distance of 126.10 feet; thence on a curve to the right, with an angle of 01 degrees 11 minutes 17 seconds, a radius of 570.00 feet, a chord bearing of north 89 degrees 24 minutes 22 seconds west, a chord length of 11.82 feet, and an arc distance of 11.82 feet to a point of tangency; thence north 88 degrees 47 minutes 20 seconds west for a distance of 100.84 feet to the point of beginning. Said parcel containing a calculated area of 0.699 acres, more or less.

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:



That the application of Gerald Maddox, hereinafter referred to as "Permittee", to develop Northview 1st Community Unit Plan consisting of 122 attached single family dwelling units on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit only approves ~~121~~ 122 dwelling units ~~as the requested 122 dwelling units exceeds the allowable maximum density.~~
2. Before receiving building permits:
  - a. The Permittee must submit a revised and reproducible final plat.
  - b. The construction plans shall conform to the approved plans.
  - c. Final plats within the area of this community unit plan must be approved by the City.
3. Before occupying any of this development all development and construction shall be completed in conformance to the approved plans.
4. All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1820 - APPLICATION OF REGAL BUILDING SYSTEMS TO DEVELOP 128 ELDERLY DWELLING UNITS, A 60 PERSON DOMICILIARY CARE FACILITY, WITH A WAIVER OF THE HEIGHT LIMIT FROM 35 FEET TO 43 FEET, ON PROPERTY GENERALLY LOCATED AT NORTH 24TH AND DODGE STREETS. (IN CONNECTION W/00-42, 00R-50, 00R-52, 00R-53) - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80031 WHEREAS, Regal Building Systems, Inc. has submitted an application designated as Special Permit No. 1820 for authority to construct 128 dwelling units for the elderly and a 60 person domiciliary care facility on property located at North 24th and Dodge Streets, and legally described to wit:

A tract of land located in the North Half of Section 12, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Referring to the southeast corner of the Northeast Quarter of said Section 12; thence in a northerly direction, along the east line of the Northeast Quarter of said Section 12, on an assumed bearing of north 00 degrees 04 minutes 52 seconds west, for a distance of 811.04 feet to the centerline of Old Dairy Road; thence along said centerline of Old Dairy Road, north 88 degrees 42 minutes 53 seconds west, for a distance of 471.04 feet; thence north 01 degrees 17 minutes 07

seconds east, for a distance of 33.00 feet; thence on a curve to the right with a central angle of 42 degrees 36 minutes 55 seconds, a radius of 117.00 feet, a chord bearing of north 67 degrees 52 minutes 58 seconds west, a chord length of 85.03 feet, and an arc distance of 87.02 feet; thence south 43 degrees 25 minutes 34 seconds west, for a distance of 66.00 feet; thence north 88 degrees 45 minutes 16 seconds west, for a distance of 723.37 feet; thence north 00 degrees 02 minutes 31 seconds west, for a distance of 495.97 feet; thence north 00 degrees 14 minutes 33 seconds west, for a distance of 233.92 feet; thence south 88 degrees 47 minutes 20 seconds east, for a distance of 99.30 feet; thence on a curve to the left with a central angle of 01 degrees 11 minutes 16 seconds, a radius of 630.00 feet, a chord bearing of south 89 degrees 24 minutes 22 seconds east, a chord length of 13.06 feet, and an arc distance of 13.06 feet to a point of tangency; thence south 90 degrees 00 minutes 00 seconds east, for a distance of 186.38 feet; thence north 00 degrees 00 minutes 00 seconds east, for a distance of 188.00 feet to the point of beginning; thence north 00 degrees 00 minutes 00 seconds east, for a distance of 193.24 feet; thence north 86 degrees 11 minutes 44 seconds east, for a distance of 33.99 feet; thence north 03 degrees 48 minutes 16 seconds west, for a distance of 60.00 feet; thence south 86 degrees 11 minutes 44 seconds west, for a distance of 30.00 feet; thence north 00 degrees 00 minutes 00 seconds east, for a distance of 160.06 feet; thence north 76 degrees 34 minutes 46 seconds east, for a distance of 287.64 feet; thence north 89 degrees 57 minutes 45 seconds east, for a distance of 232.02 feet; thence south 00 degrees 00 minutes 51 seconds east, for a distance of 425.40 feet; thence south 88 degrees 46 minutes 43 seconds east, for a distance of 39.81 feet; thence south 00 degrees 03 minutes 42 seconds east, for a distance of 54.10 feet; thence north 90 degrees 00 minutes 00 seconds west, for a distance of 551.78 feet to the point of beginning, containing 5.435 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this development of the elderly dwelling units and the domiciliary care facility will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Regal Building Systems, Inc., hereinafter referred to as "Permittee", to construct 128 dwelling units for the elderly and a 60 person domiciliary care facility on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.210 and Section 27.63.530 of the Lincoln Municipal Code upon condition that construction and operation of said elderly dwelling units and domiciliary care facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 128 dwelling units for elderly persons and a 60 person domiciliary care facility.
2. All dwelling units for the elderly shall have at least one occupant of age 60 years or older.
3. Before receiving building permits:
  - a. The Permittee must submit a revised and reproducible final plan.

- b. The Permittee shall vacate the Timothy Court right-of-way stub and reconstruct the street to private driveway standards in the vacated right-of-way.
4. Before occupying the dwelling units all development and construction shall be completed in conformance to the approved plans.
5. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1821 - APPLICATION OF REGAL BUILDING SYSTEMS TO CONSTRUCT AN EARLY CHILDHOOD CARE FACILITY FOR 118 CHILDREN ON PROPERTY GENERALLY LOCATED AT NORTH 24TH AND DODGE STREETS. (IN CONNECTION W/00-42, 00R-50, 00R-51, 00R-53) - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80032 WHEREAS, Regal Building Systems, Inc. has submitted an application designated as Special Permit No. 1821 for authority to construct an early childhood care facility on property located at North 24th and Dodge Streets, and legally described to wit:

A tract of land located in the North Half of Section 12, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Referring to the southeast corner of the Northeast Quarter of said Section 12; thence in a northerly direction, along the east line of the Northeast Quarter of said Section 12, on an assumed bearing of north 00 degrees 04 minutes 52 seconds west, for a distance of 811.04 feet to the centerline of Old Dairy Road; thence along said centerline of Old Dairy Road, north 88 degrees 42 minutes 53 seconds west, for a distance of 471.04 feet; thence north 01 degrees 17 minutes 07 seconds east, for a distance of 33.00 feet; thence on a curve to the right with a central angle of 42 degrees 36 minutes 55 seconds, a radius of 117.00 feet, a chord bearing of north 67 degrees 52 minutes 58 seconds west, a chord length of 85.03 feet, and an arc distance of 87.02 feet; thence south 43 degrees 25 minutes 34 seconds west, for a distance of 66.00 feet; thence north 88 degrees 45 minutes 16 seconds west, for a distance of 723.37 feet; thence north 00 degrees 02 minutes 31 seconds west, for a distance of 495.97 feet; thence north 00 degrees 14 minutes 33 seconds west, for a distance of 233.92 feet; thence north 00 degrees 01 minutes 15 seconds west, for a distance of 185.74 feet to the point of beginning; thence north 00 degrees 01 minutes 15 seconds west, for a distance of 182.02 feet; thence north 89 degrees 59 minutes 39 seconds east, for

a distance of 238.85 feet; thence south 00 degrees 00 minutes 00 seconds west, for a distance of 182.04 feet; thence south 90 degrees 00 minutes 00 seconds west, for a distance of 238.78 feet to the point of beginning, containing 0.998 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this early childhood care facility will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Regal Building Systems, Inc., hereinafter referred to as "Permittee", to construct an early childhood care facility on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.070 of the Lincoln Municipal Code upon condition that construction and operation of said early childhood care facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an early childhood care facility with a maximum of 118 children.
2. The requirement of Section 27.63.070(c) of the Lincoln Municipal Code that a center with over 30 children be located on an arterial street is hereby waived.
3. Before receiving building permits:
  - a. The Permittee must submit a revised and reproducible final plat of the specific site plan and the entire use permit area.
  - b. As required by design standards, the Permittee must provide an elevation of the facility, for review and approval by the Director of Planning, for compatibility of design in relation to adjacent existing or future residences.
4. Before occupying any of this development all development and construction shall be completed in conformance to the approve plans.
5. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF NORTHVIEW 1ST ADDITION AND TO WAIVE THE DESIGN STANDARDS TO ALLOW NON-PERPENDICULAR LOT LINES ON PROPERTY GENERALLY LOCATED AT NORTH 24TH AND DODGE STREETS. (IN CONNECTION W/00-42, 00R-50, 00R-51, 00R-52) - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80033 WHEREAS, Gerald Maddox has submitted the preliminary plat of **Northview 1st Addition** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated September 9, 1999, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of **Northview 1st Addition**, generally located at North 24th and Dodge Streets, as submitted by Gerald Maddox, is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and therefore the requirement of Section 26.23.140(c) that side lot lines of any lot shall be at right angles to the street or the radial if the street is curved is waived to permit non-perpendicular lot lines at the following locations:

Common lot line of Lots 33 and 34, Block 2  
Common lot line of Lots 34 and 35, Block 2  
North lot line of Lot 17, Block 3  
Common lot line of Lots 17 and 18, Block 3  
West lot line of Lot 39, Block 3  
West lot line of Lot 62, Block 3.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF LANDMARK CORPORATE CENTER FOR 40 COMMERCIAL/INDUSTRIAL LOTS AND THREE OUTLOTS WITH ASSOCIATED WAIVERS ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND FOLKWAYS BLVD. (IN CONNECTION W/00-40, 00-41, & 00R-56) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 00R-56 to 2/28/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1828 - APPLICATION OF HAMPTON DEVELOPMENT SERVICES TO DEVELOP AN ELDERLY CARE FACILITY WITH 140 DWELLING UNITS, AN ASSISTED LIVING FACILITY FOR 205 PERSONS, AND A CHILD CARE FACILITY FOR 120 CHILDREN, ALONG WITH A WAIVER OF DESIGN STANDARDS TO INCREASE THE HEIGHT LIMIT FROM 35 FEET TO 50 FEET AND A REDUCTION OF THE FRONT YARD SETBACKS. (IN CONNECTION W/00-43) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 00R-54 to 2/28/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

USE PERMIT NO. 123 - APPLICATION OF NORTH 33RD STREET L.L.C. TO DEVELOP 136,000 SQ. FT. OF RETAIL SPACE, 204,000 SQ. FT. OF OFFICE SPACE, AND 751,000 SQ. FT. OF INDUSTRIAL/WAREHOUSE SPACE, ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND FOLKWAYS BLVD. (IN CONNECTION W/00-40, 00-41, & 00R-56) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 00R-55 to 2/28/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1822 - APPLICATION OF NEBCO, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AT THE LINCOLN BALLPARK GENERALLY LOCATED SOUTH OF CHARLESTON STREET, WEST OF NORTH 6TH STREET. (IN CONNECTION W/00-44, 00-45, 00-46, 00R-59, 00R-60, 00R-61) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 00R-58 to 2/28/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

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ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF LINCOLN BALLPARK WITH WAIVERS OF THE SUBDIVISION REQUIREMENTS FOR SIDEWALKS, STREET TREES, ON-SITE STORMWATER DETENTION, AND A 2% APPROACH GRADE AT THE SALT CREEK BRIDGE ON PROPERTY GENERALLY LOCATED SOUTH OF CHARLESTON STREET, WEST OF NORTH 6TH STREET. (IN CONNECTION W/00-44, 00-45, 00-46, 00R-57, 00R-58, 00R-60, 00R-61) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 00R-59 to 2/28/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

USE PERMIT 118 - APP. OF B & J PARTNERSHIP TO DEVELOP 89,700 SQ. FT. OF COMMERCIAL SPACE & A REDUCTION OF THE FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVE. & W. "A" ST. (IN CONNECTION W/00-16, 00-17) - CLERK read the following resolution, introduced by Jonathan Cook , who moved its adoption:

A-80037 WHEREAS, B & J Partnership has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 118 for authority to construct 89,700 sq. ft. of commercial space and a reduction of the front yard setback along West "A" Street from 50 feet to 40 feet, on property generally located at South Coddington Avenue and West "A" Street, and legally described to wit:

All of Lots 143 I.T. and 144 I.T. located in the North Half of Section 33, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; and a part of Lot 80 I.T. in the Northeast Quarter of Section 33, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Lot 80 I.T.; thence in a northerly direction on an assumed bearing of north 00 degrees 00 minutes 00 seconds east for a distance of 587.97 feet to the point of beginning, said point is 18.33 feet south of the centerline of West Garfield Street; thence continuing on said bearing of north 00 degrees 00 minutes 00 seconds east for a distance of 75.72 feet; thence in an easterly direction along the north line of Lot 80 I.T., south 89 degrees 32 minutes 28 seconds east for a distance of 19.74 feet to the southwest corner of Lot 144 I.T.; thence continuing along said line, south 89 degrees 32 minutes 28 seconds east for a distance of 615.22 feet; thence south 00 degrees 02 minutes 59 seconds west for a distance of 52.88 feet; thence north 89 degrees 32 minutes 28 seconds west for a distance of 330.15 feet to a point of curvature of a 140.50 foot radius curve to the left with a central angle of 21 degrees 28 minutes 37 seconds, a chord bearing of south 79 degrees 43 minutes 14 seconds west, a chord length of 52.36 feet, for an arc distance of 52.67 feet to a point of curvature of 140.50 foot radius curve to the right with a central angle of 20 degrees 32 minutes 18 seconds, a chord bearing of south 79 degrees 15 minutes 04 seconds west, a chord length of 50.09 feet, for an arc distance of 50.36 feet to a point of tangency of said curve; thence south 89 degrees 31 minutes 13 seconds west for a distance of 204.03 feet to the point of beginning and containing a calculated area of 0.89 acres more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial development will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of

Lincoln, Nebraska:

That the application of B & J Partnership, hereinafter referred to as "Permittee", to construct 89,700 square feet of commercial space on the property legally described above be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 89,700 square feet of floor area of commercial space.
2. A waiver of the front yard setback from 50 feet to 40 feet along West "A" Street is hereby approved.
3. Before receiving building permits:
  - a. Provide recorded copies of the easement documents showing that all the easements on the plan were filed with the Register of Deeds.
  - b. Submit a permanent reproducible final site plan as approved.
  - c. Provide a Transportation Improvement Agreement to the satisfaction of the Public Works and Utilities Department.
4. Before occupying any building all development and construction must conform to the approved plans.
5. All privately-owned improvements, including landscaping must be permanently maintained by the Permittee.
6. The site plan approved by this resolution shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### PETITIONS & COMMUNICATIONS

FORMAL PETITION TO VACATE PUBLIC WAY OF WEST P ST. BETWEEN THE EAST LINE OF SUN VALLEY BLVD. & THE WEST LINE OF SALT CREEK CHANNEL SIGNED BY PAUL & LOIS PFUNDT, WILLIAM T. KIMBALL, JR., MICHAEL & SHEREE MOSER - CLERK presented said petition which was referred to the Law Dept.

FORMAL PETITION TO VACATE PUBLIC WAY OF TIMOTHY COURT, LOT 1, BLOCK 2 OF NORTHVIEW 1<sup>ST</sup> ADDITION - CLERK presented said petition which was referred to the Law Dept.

#### REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON FEB. 7, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - PRIOR to reading:

JOHNSON Moved to delay action to 2/28/00.

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Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: Jan., 2000: Destia Comm., Cincinnati Bell Long Distance - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS 1/31/2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ACCEPTING THE REPORT OF THE DAVID A. HENRY TORT CLAIM FILED AGAINST THE CITY & APPROVING THE DISPOSITION OF SAID CLAIM - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

80019-A BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated February 1, 2000, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED

ALLOWED

David A. Henry 54.00

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: Camp, McRoy.

OTHER RESOLUTIONS

APPLICATION OF LISA M. WARNER DBA "CORNHUSKER SOCIAL HALL" FOR A CLASS I LIQUOR LICENSE AT 2940 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80022 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lisa M. Warner dba "Cornhusker Social Hall" for a Class "I" liquor license at 2940 Cornhusker Highway, Lincoln, Nebraska, for the license period ending April 30, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF RONALD L. KIGER JR. FOR KUM & GO, L.C., DBA "KUM & GO #341" AT 4335 NORTH 70TH STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80023 WHEREAS, Kum & Go, L.C. dba "Kum & Go #341" located at 4335 North 70th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Ronald L. Kiger, Jr. be named manager;

WHEREAS, Ronald L. Kiger, Jr. appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the



pertinent City ordinances, the City Council recommends that Ronald L. Kiger, Jr. be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF RONALD L. KIGER JR. FOR KUM & GO, L.C., DBA "KUM & GO #342" AT 2243 NORTH COTNER BLVD. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80024 WHEREAS, Kum & Go, L.C. dba "Kum & Go #342" located at 2243 North Cotner Blvd., Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Ronald L. Kiger, Jr. be named manager;

WHEREAS, Ronald L. Kiger, Jr. appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Ronald L. Kiger, Jr. be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF JACOB ARTHUR NORTH FOR OUTBACK STEAKHOUSE FL, INC. DBA "OUTBACK STEAKHOUSE" AT 633 NORTH 48TH STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80025 WHEREAS, Outback Steakhouse FL, Inc. dba "Outback Steakhouse" located at 633 North 48th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jacob Arthur North be named manager;

WHEREAS, Jacob Arthur North appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jacob Arthur North be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF EMPYREAN ALES/LAZLO'S/JABRISCO'S DBA "EMPYREAN ALES" FOR AN ADDITION TO ITS EXISTING CLASS L, C, & K LIQUOR LICENSE OF A STORAGE AREA AT K & Z DISTRIBUTING OF APPROXIMATELY 12' BY 15' IN THE NORTHWEST CORNER OF THE BUILDING AT 6301 NORTH 60TH STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80026 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Empyrean Ales/Lazlo's/Jabrisco's dba "Empyrean Ales" to expand its licensed premises by the addition of an area measuring 12 feet by 15 feet in the northwest corner of the K & Z Distributing building at 6301 North 60th Street, Lincoln, Nebraska, be approved with the condition

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that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF ST. PATRICK'S FESTIVAL AT 6126 MORRILL TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN THROUGH MARCH 14, 2000 - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80027 WHEREAS, St. Patrick's Festival has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. Patrick's Festival to conduct a raffle in the City of Lincoln in accordance with the application filed by Karen Francis. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AMENDING THE PEDESTRIAN/BICYCLE ADVISORY COMMITTEE TO ALLOW ALL 14 MEMBERS OF THE COMMITTEE TO BE APPOINTED BY THE MAYOR - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80028 WHEREAS, the City of Lincoln created the Pedestrian/Bicycle Advisory Committee to carry out the duties assigned to it in Resolution No. A-78170; and

WHEREAS, the Board consists of 14 members, three of which are appointed by the Traffic Safety Committee; and

WHEREAS, the Traffic Safety Committee has been dissolved and is of no further service to the City. The three members of the Pedestrian/Bicycle Advisory Committee are willing and interested in continuing to serve on said Pedestrian/Bicycle Advisory Committee with their appointment by the Mayor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That Resolution No. A-78170 be amended on page 2, by deleting on lines 6 through 11 the following language:

~~Eleven of the members of the Committee shall be appointed by the Mayor, and three members will be appointed by the Lincoln Traffic Safety Committee in accordance with its rules for one year terms. Three of the members first appointed by the Mayor shall serve for a period of one year, four for a period of two years, and four for a period of three years. Subsequent appointments shall be for three year terms.~~

and insert in lieu thereof:

All 14 members of said Committee shall be appointed by

the Mayor to serve three-year terms.

2. Resolution No. A-78170, not otherwise amended, shall remain in full force and effect.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COUNTY COOPERATIVE EXTENSION FOR EDUCATION PROGRAMS ON SOLID WASTE MANAGEMENT AND RECYCLING - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80029 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Interlocal Agreement between the City of Lincoln and the County of Lancaster, through the Lancaster County Cooperative Extension Service, for the purpose of providing educational services relating to the Garbology and Backyard Composting Education Programs, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Earleen Ladd, Lancaster County Clerk's Office for filing with the County and the remaining originals to Gene Hanlon for distribution to Lancaster County Extension and other interested parties.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

COMP. PLAN AMENDMENT 94-46 - AMENDING THE LAND USE PLAN TO CHANGE LAND USE FROM PARKS AND OPEN SPACE AND INDUSTRIAL TO PUBLIC AND SEMI-PUBLIC AND AMENDING ASSOCIATED TEXT ON PROPERTY GENERALLY LOCATED AT NORTH 6TH AND CHARLESTON STREETS. (IN CONNECTION W/00-44, 00-45, 00-46, 00R-58, 00R-59, 00R-60, 00R-61) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 00R-57 to 2/28/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AMENDMENTS TO THE BALLPARK INTERLOCAL AGREEMENT AND MEMORANDUM OF AGREEMENT BETWEEN THE CITY, BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, THE LINCOLN-LANCASTER COUNTY RAILROAD TRANSPORTATION DISTRICT AND NEBCO, INC. TO CORRELATE WITH THE BALLPARK LEASE AND CONSTRUCTION AGREEMENTS BY MOVING A REFERENCE TO PARKING, CHANGE A REFERENCE TO ADMINISTRATIVE AGREEMENTS, AND DELETING A REFERENCE TO THE COROLLARY SITE. (IN CONNECTION W/00-44, 00-45, 00-46, 00R-57, 00R-58, 00R-59, 00R-61) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 00R-60 to 2/28/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING A CONSTRUCTION AGREEMENT AUTHORIZED BY THE BALLPARK INTERLOCAL AGREEMENT FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AND NEBCO, INC. TO PAY FOR AND CONSTRUCT BALLPARK FACILITIES AND FOR THE CITY TO PAY FOR AND CONSTRUCT RELATED PUBLIC WORKS FACILITIES FOR THE LINCOLN BALLPARK PROJECT. (IN CONNECTION W/00-44, 00-45, 00-46, 00R-57, 00R-58, 00R-59, 00R-60) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 00R-61 to 2/28/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADOPTING THE STORMWATER DRAINAGE DESIGN STANDARDS & RELATED CITY OF LINCOLN DRAINAGE CRITERIA MANUAL AS PART OF THE DESIGN STANDARDS FOR SUBDIVISION REGULATIONS. (IN CONNECTION W/00-28, 00-29, 00-30) - PRIOR to reading:

JOHNSON Moved to substitute pages to Appendix and Criteria Manual.

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read the following resolution, introduced by Jeff Fortenberry, who

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moved its adoption:

A-80038 WHEREAS, the City Council has previously adopted the Storm Sewer and Construction Manual as part of the Design Standards for Subdivision Regulations; and

WHEREAS, the Planning Commission has recommended approval of the "Storm Water Drainage Design Standards" (including the "City of Lincoln Drainage Criteria Manual" adopted by reference in said Design Standards) to replace the existing "Storm Sewer and Construction Manual."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Design Standards for Subdivision Regulations be amended by repealing the Storm Water and Construction Manual adopted by the City Council on September 30, 1976 by Resolution No. A-63122 and subsequently amended to provide for design standards for stormwater storage facilities by Resolution No. A-74940 on August 10, 1992, and by Resolution No. A-79430 on April 19, 1999, and adopting the Stormwater Drainage Design Standards (including the City of Lincoln Drainage Criteria Manual adopted by reference in said Design Standards) as part of the Design Standards for Subdivision Regulations. The Storm Water Drainage Design Standards are attached hereto, marked as Attachment "A" and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Stormwater Drainage Design Standards and related City of Lincoln Drainage Criterial Manual shall be effective 30 days from and after their adoption.

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., MARCH 6, 2000 AT 1:30 P.M. ON THE APP. OF BENCHMARK REDEVELOPMENT, INC. DBA "BUZZARD BILLY'S ARMADILLO BAR-N-GRILL-O" FOR A RETAIL CLASS "C" LIQUOR LICENSE AT 247 N. 8TH ST., STE. 101 - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80034 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 6, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Benchmark Redevelopment, Inc. dba "Buzzard Billy's Armadillo Bar-N-Grill-O" for a Retail Class "C" Liquor License at 247 N. 8th, Ste. 101.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., MARCH 6, 2000 AT 1:30 P.M. ON THE APP. OF BRINKER RESTAURANT CORP. DBA "ROMANO'S MACARONI GRILL" FOR A RETAIL CLASS "C" LIQUOR LICENSE AT 6800 S. 27TH ST. - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80035 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 6, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Brinker Restaurant Corp. dba "Roman's Macaroni Grill" for a Retail Class "C" Liquor License at 6800 S. 27th St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., MARCH 6, 2000, AT 1:30 P.M. ON THE MAN. APP. OF IRENE K. HUNT FOR "GUITARS & CADILLACS" AT 5400 O STREET - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its

adoption:

A-80036 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 6, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Irene K. Hunt for "Guitars & Cadillacs" at 5400 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### ORDINANCES - 1ST & 2ND READING

APPROVING THE TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$6,600,000 WITHIN THE WASTEWATER CONSTRUCTION FUND FROM CAPITAL IMPROVEMENT PROJECTS THERESA STREET PLANT TREATMENT EXPANSION AND NE TREATMENT PLANT EXPANSION TO SALT VALLEY RELIEF SEWER IMPROVEMENTS TO COMPLETE THE SALT VALLEY RELIEF SEWER IMPROVEMENTS PROJECT AS ONE TOTAL PROJECT - PRIOR to reading:

SHOECRAFT Moved to delay Introduction to 3/6/00.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CHANGE OF ZONE 3229 - APPLICATION OF TRG CONSULTING, L.L.C. FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 56TH STREET AND PIONEERS BLVD. (IN CONNECTION W/00R-65) - CLERK read an ordinance, introduced by Jerry Shoecraft, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3234 - APPLICATION OF E.D.C. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT GUNNISON AND BRECKENRIDGE NORTH OF THE OLD FLETCHER ALIGNMENT, ½ MILE WEST OF NORTH 27TH STREET - CLERK read an ordinance, introduced by Jerry Shoecraft, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3235 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK TO P PUBLIC USE ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND RADCLIFF STREET - CLERK read an ordinance, introduced by Jerry Shoecraft, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

VACATING THE EAST-WEST ALLEY LOCATED BETWEEN 5TH AND 6TH STREETS FROM "G" TO "H" STREETS - CLERK read an ordinance, introduced by Jerry Shoecraft, vacating the east-west alley located between 5th & 6th Streets from "G" to "H" Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATING THE EAST-WEST ALLEY IN THE BLOCK BOUNDED BY NORTH 17TH STREET, "R" STREET, NORTH 18TH STREET, AND "Q" STREET - CLERK read an ordinance, introduced by Jerry Shoecraft, vacating the east-west alley in the block bounded by North 17th Street, "R" Street, North 18th Street, and "Q" Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

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VACATING COOPER AVENUE WEST FROM THE WEST RIGHT-OF-WAY LINE OF SOUTH 52ND STREET APPROXIMATELY 158 FEET TO THE WEST LINE OF THE NORTH/SOUTH ALLEY - CLERK read an ordinance, introduced by Jerry Shoecraft, vacating Cooper Avenue west from the the west right-of-way line of South 52nds Street approximately 158 feet to the west line of the north-south alley, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING CHAPTER 8.08 OF THE LMC, THE AMBULANCE TRANSPORTATION CODE, TO ALLOW AN EXTENSION OF A CURRENT CERTIFICATE OF PUBLIC CONVENIENCE & NECESSITY FOR A PERIOD NOT TO EXCEED TWO YEARS - CLERK read an ordinance, introduced by Jerry Shoecraft, amending Chapter 8.08 of the Lincoln Municipal Code, the Ambulance Transportation Code, by amending Section 8.08.050 to allow extensions to facilitate the review of new applications for Certificates of Public Convenience and Necessity; adding a new section numbered 8.08.051 to allow an extension of a current Certificate of Public Convenience and Necessity for a period not to exceed two years; and repealing Section 8.08.050 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SEC. 25.03.190 OF THE LMC TO INCREASE THE FEES FOR A HVAC JOURNEYMAN EXAMINATION FROM \$30.00 PER TEST TO \$50.00 PER TEST - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 25.03 of the LMC (the Uniform Mechanical Code) by amending Sec. 25.03.190 to increase the fee for a HVAC Journeyman examination from \$30.00 per test to \$50.00 per test; & repealing Sec. 25.03.190 of the LMC as hitherto existing, the second time.

RENAMING S. 22ND ST. BETWEEN RIDGELINE DR. & HAZEL SCOTT DR. AS "SHADOW RIDGE RD." - CLERK read an ordinance, introduced by Annette McRoy, changing the name of S. 22nd St. to Shadow Ridge Rd. located between Ridgeline Dr. & Hazel Scott Dr., the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 50.51 ACRES OF PROPERTY GENERALLY LOCATED AT N. 33RD ST. & FOLKWAYS BLVD. (IN CONNECTION W/00R-55, 00R-56, & 00-41) - CLERK read an ordinance, introduced by Annette McRoy, amending Sec. 18 of Ord. 8730, passed 5/17/65, as last amended by Sec. 1 of Ord. 17536, passed 7/2/99; amending Sec. 20 of Ord. 8730, passed 5/17/65, as last amended by Sec. 1 of Ord. 17597, passed 1/24/2000; repealing Sec. 18 of Ord. 8730, passed 5/17/65, as last amended by Sec. 1 of Ord. 17536, passed 7/2/99; & repealing Sec. 20 of Ord. 8730, passed 5/17/65, as last amended by Sec. 1 of Ord. 17597, passed 1/24/2000, as hitherto existing, the second time.

CHANGE OF ZONE 3200 - APP. OF NORTH 33RD STREET L.L.C. FOR A CHANGE FROM R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS & I-3 EMPLOYMENT CENTER ON PROPERTY GENERALLY LOCATED AT N. 33RD ST. & FOLKWAYS BLVD. (IN CONNECTION W/00R-55, 00R-56, & 00-40) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

CHANGE OF ZONE 3231 - APP. OF REGAL BUILDING SYSTEMS, INC. FOR A CHANGE FROM R-3 TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 24TH & DODGE STS. IN CONNECTION W/00R-51, 00R-52, 00R-53) - PRIOR to reading:

SHOECRAFT Moved to suspend the rules to have 3rd Reading & Action this date.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time. (See Council Action under "Ordinances - 3rd Reading".)

CHANGE OF ZONE 3233 - APP. OF HAMPTON DEVELOPMENT SERVICES FOR A CHANGE FROM R-3 TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 23RD ST. & FLETCHER AVE. (IN CONNECTION W/00R-54) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

CHANGE OF ZONE 3221 - APP. OF THE CITY FOR A CHANGE FROM P PUBLIC TO I-1 INDUSTRIAL & FROM I-1 INDUSTRIAL TO P PUBLIC ON PROPERTY GENERALLY LOCATED AT N. 6TH & CHARLESTON STS. (IN CONNECTION W/00-45, 00-46, 00R-57, 00R-58, 00R-59, 00R-60, 00R-61) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

APPROVING A BALLPARK FACILITIES LEASE AGRMT. BETWEEN THE CITY & THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA & NEBCO, INC. AS TENANTS FOR CITY OWNED PROPERTY IN THE LINCOLN BALLPARK ADD. FOR A PERIOD OF 35 YEARS WITH AN OPTION TO EXTEND THE LEASE FOR 7 ADDITIONAL TERMS OF 5 YEARS EACH. (IN CONNECTION W/00-44, 00-46, 00R-57, 00R-58, 00R-59, 00R-60, 00R-61) - CLERK read an ordinance, introduced by Annette McRoy, whereas, the City is the owner of real property near Memorial Stadium west of Interstate I80 near 6th & Charleston Streets, Lincoln, Lancaster County, Nebraska, the second time.

APPROVING THE TRANSFER OF APPROPRIATIONS RELATED TO THE LINCOLN BALLPARK PROJ. IN THE AMOUNT OF \$871,585 FROM RELOCATION OF ENGINEERING SERVICES TO CITY TOW-IN LOT (\$200,000) & 901/1001 STORM SEWER (\$671,585); CHANGING FUNDING DESCRIPTIONS TO ELIMINATE REVENUE BONDS AS A FUNDING SOURCE; & TRANSFERRING \$270,000 IN APPROPRIATIONS FROM PROJECT CONTINGENCY TO ADDITIONAL ROAD & ACCESS NEEDS. (IN CONNECTION W/00-44, 00-45, 00R-57, 00R-58, 00R-59, 00R-60, 00R-61) - CLERK read an ordinance, introduced by Annette McRoy, approving the transfer of \$200,000 in appropriations from the Baseball Partnership Proj. Subproject E, number 701090 (Relocation 1001 N. 6th St. Engineering Services) to Subproject F, number 701100 (Relocation, City Tow-in Lot); & approving the transfer of \$671,585 in appropriations from the Baseball Partnership Proj. Subproject E, number 701090 (Relocation 1001 N. 6th St. Engineering Services) to a newly created Subproject G for the 901/1001 storm sewer; changing the funding description of the Baseball Partnership Subproject A, number 701050 (Charleston St. & Salt Creek Bridge) from (RB) revenue bonds to (OF) Other Funds; changing the funding description of the Baseball Partnership Subproject B, number 701060 (Additional Bridge & Road Access Needs for the Baseball Site & 901 Site) from (RB) revenue bonds to (SO) Highway Allocation Funds; & approving the transfer of \$270,000 in appropriations from the Baseball Partnership Project Subproject C-4, number 701090 (Relocation 1001 N. 6th St. Engineering Services) to Baseball Partnership Subproject B, number 701060 (Additional Bridge & Road Access Needs for the Baseball Site & 901 Site), the second time.

#### MISCELLANEOUS BUSINESS

##### PENDING LIST -

AUTHORIZING ACQUISITION OF PROPERTY CONTIGUOUS WITH OTHER CITY OF LINCOLN PROPERTY IN SARPY COUNTY EAST OF THE PLATTE RIVER. (6/28/99 - ACTION DELAYED FOR 3 WEEKS W/PUB. HEARING ON 7/19/99) (7/12/99 - TO REMAIN ON PENDING INDEFINITELY) - CLERK requested to remove Bill No. 99R-152 from Pending & indefinitely postpone.

JOHNSON So moved.

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

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SHOECRAFT Moved to extend the Pending List for 1 week.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook,  
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS -

SPECIAL PERMIT 1423C - APPLICATION OF DRU, GUY, AND DAVID LAMMLE TO AMEND THE  
HIMARK ESTATES COMMUNITY UNIT PLAN TO ADD LAND, INCREASE THE ASSIGNED  
NUMBER OF DWELLING UNITS FROM 240 TO 300 MULTI-FAMILY DWELLING UNITS, AND  
TO APPROVE THE SITE PLAN FOR THE MULTIPLE FAMILY AREA, ON PROPERTY  
GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 84TH STREET AND OLD  
CHENEY ROAD - CLERK requested to continue Public Hearing to 3/13/00.

SHOECRAFT So moved.  
Seconded by Johnson & carried by the following vote: AYES: Camp,  
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SHOECRAFT Moved to approve the resolutions to have Public Hearing on Feb. 22,  
2000.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook,  
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

10:44 P.M.

SHOECRAFT Moved to adjourn the City Council Meeting of Feb. 14, 2000.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook,  
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

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Paul A. Malzer, Jr., City Clerk

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Judy Roscoe, Office Assistant III